

C. 4

Natura breuiū

newly corrected in Engliſhe:
with dyuers addicions of ſtatutes boke caſes
plces in abatements of the ſayd writtes:
and theyꝝ declarations: and barres to
the ſame: added and put in theyꝝ
places moſte cōueniente.



Handwritten text, likely a signature or date, appearing below the emblem.





It is sayd/ that

A writte
of right

ther is a wryt of right
patent/ and a wryt of
ryght close. A wryt of
ryght patente shalbe
fyrst brought i the court of the lordc
of whome the lande is holden (if it
be holden of any other than of the
kinge) And if it be holdē of the king/
than it shalbe brought in the courte
of the kyng. And knowe ye that this
writte maye be remoued out of the
courte of the lordc in to the coūte by
a Toltc/ and out of the counte to the
comon bāke by a Pone (if the demaū
daunt that wyll) And for that this
clause is put i the writte of ryght pa
tent. Et nisi feceris vicecomes talis
comitat⁹ faciat. & cetera. For the writ
shalbe all tymes i the custody of the
demaūdaūt/ for that that if the lordc
and the sheryfe wyll nat to hym do
ryght/ he maye remoue the ple in to
the comon banke / as is afore sayd/
nat puttyng cause in the Pone. But
in case that it be remoued out of the
counte in to the comon banke by a

Natura.

A.ii.

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Done at the sute of the teneante / it behoueth to put the cause in the Done. As it appereth playnly in the Register. And also the sayd ple may be remoued out of the court of the lord immediately to the comon banke by a recordare with cause / at the sute of the teneante. And knowe ye / that this writte hath but two issues / and that is to saye / ioyninge the mysse upon the mere ryght. And that is to put him selfe i the great Assise of our soueraygne lord the king / or to ioyne batayle / and that shalbe in the election of the teneante. And for that it behoueth that the demaundaute haue all tymes his champion redy / or els he may be disceyued. And whan batayle shalbe ioyned / and whan great assise. Loke in the treatyse of the great assise to be chosen amonge other statutes. And it is sayd / that a dede of the auncestre with a warranty is a barre (if the demaundaunte brynge this writte of his owne possession) and nat of the possession of his auncester / for that that he maye nat ioyne the issue as befoze is sayd.

Natura breuium.

fo. 3.

And the iugement of this writte is
synall. And knowe ye that it is no
ple in this writte to saye that the te-
naunt befoze this tyme recouered a-
gaynst the demaundaute by accion
tried in any other writte than in a
writte of ryght.

¶ Addicion.

Knowe ye / that if the ple be re- **I. 20.**
moued by a Done out of the counte **E. 3.**
in to the conion banke / it is nat ne-
cessary that the Sheryfe retourne the
Tolte by whiche the ple is remoued
out of the soure of the lorde i to the
couste. For that that the ple is come
in to the bāke by a warraūt whiche
cam to the Sheryfe fro thense / whiche
is moze hyer than the Tolte is.

Knowe ye / that a recouere in a **M. 31.**
cessant agaynst the demaundaun- **E. 1.**
tes selfe / is a good barre in a writte
of ryght. And that is by reaso of the
statute of Glocester. Capitulo. 3.

But knowe ye / that a recouere i **M. 8. E.**
Assise agaynst hym selfe is no barre. **.2.**

And knowe ye / that these perso- **M. 9.**

Natura breuium.

H. 5.

nes shall ioyne the myse in a writte of ryght. An infaute shall ioyne the myse & trie it by bataile. And the tenant for terme of lyfe shall ioyne in this fourme / that is to saye that he hath better ryght to holde for terme of his lyfe the reuercion to one suche.

M. 41.

E. 3.

¶ The husbāde and the wyfe shall ioyne the issue as in the ryght of the wyfe / and the iugement shalbe that the husbāde and the wyfe and the heyres of the wyfe shall holde quyte of the demaūdaunte & of his heyres.

T. 13. E

.3.

P. 31. E

.3.

¶ A p̄bendarier shall ioyne the myse by his attourney.

¶ The husbāde & the wyfe were receyued for defaute of the tenant for terme of lyfe and they ioyned the myse in suche fourme / that is to say that the tenant for terme of lyfe hath better ryght to holde in the ryght of the husbāde by a graunte made by the husbāde & his wyfe by fyne (sauiuge the reuercion to them) thā the demaūdaunte hath. &c.

M. 22.

E. 3.

¶ And if a writte of right be brought agaynst foure / euery one of the ioyne the myse.

And if a persone ioyne the myse without praynge in ayde of the patron & the ordinary/ and after make defaute wherby the Demaundante do recouer/his successour shall haue for that defaute/one Juris vtrum. &c. p. 8. l. 3.

And knowe ye/ that the parties after the batayle ioyned shall fynde suerte for theyr chāpions/ that is to saye pledges for euery one of the but fyfte the tenant shall fynde suerte/ but these champions shall nat be demaunded vpon theyr suertes foude/ as if they were let to maynpryse.

Therefore inquyre the diuersite.

Quere.

And knowe ye/ that it is a good challenge to saye that the champion is a villayne. A. 1. B. 6.

And knowe ye/ that these champions shall be apparelled with whyte lether/ & a cote of red Sendale paynted with the armes of his maister (if he haue armes) and a knyght shall bere his staffe/ and a custrell his targete/ whiche shall be of the coulour of his cote. And if the chāpion be at the barre/ his targete shall be reced to the B. 29. l. 3.

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backe of the champion / so that the
chefe parte of the targette passe the
hyghest of his hede/ & it shalbe holde
to the backe of the chāpion as longe
as he standeth at the barre and thā
the iustices shall charge the parties
pꝛyncypally to suffer the harnes of
theyꝝ champions to be sauely kepte
i a place. And these iustices shall loke
that there be no maner of fraude/ nor
disceyte entended. And if defaute be
foude i the harnes/ as rolles of pray
ers/ or sayntes/ or other thyngs lyke
it shalbe amended. And the targett
shalbe of one length & breadeth. And
also theyꝝ staues shalbe of one lēgth
that is to saye fyue quarters/ & these
two shalbe put out of theyꝝ harnes.

The writte is suche.

HEnricus octauus dei gratia/
Anglie et Francie Rex / fidei
defensoris/ & domin⁹ Hiberni/
Balliuis suis de A. salutem ꝑꝛecipi
mus vobis : q̄ sine dilatione plenum
rectum teneatis J. de B. de vno me
suagio cum pectū i D. quod clamat

Natura breuium. Jo. 5.
tenere de nobis per liberum seruitiū
vnius denarii per annum pro omni
seruitio: quod W. R. ei deforreat. Et
nisi feceritis hic. Suth fac. Ne am-
plius inde clamā audiamus pro defe-
ctu recti: teste me ipso apud Westm. &c.

¶ A writte of ryght in London.

Rex. &c. Maiori & bic. Lond sa A writ
lutē. Precipim⁹ vob⁹ / qd sine of right
dilac. plenū rectū teneatis A. in Lond
de vna shopia cum pertiū in Lōdon: is such
quam clamat tenere de nobis per li-
berum seruitium vnius denarii per
annum quam W. R. ei deforreat. Ne
amplius inde clamorem aud pro de-
fectu recti: teste. &c.

A writte of Ryght in London
(whiche is dyrected to the
Mayre and to the Sheryffes
of the same cite) shalbe open and nat
close/for that/that it is aswell dyre-
cted to the Mayre as to the Sheryf-
fes. And for that that they shal nat
be sayd. Et nisi feceritis vicecomes
Suth fac. for the ple shal nat be re-

Natura brenium.

moued from thence. But in case that
the tenante bouché a foreyne to war-
raunty in the sayd cyte. Than the
sayd Mayre & the Sheryffes shall ad-
iourne these parties before the Jus-
tices of the comon bāke at a certayn
daye. And shall sende the recorde
(whiche is before them) to the sayd
Justices. And whan they haue deter-
mynd the warraunty / they shall re-
sende the sayd recorde by a writte of
iugement / and commaunde the sayd
Mayre and Sheryffes that they shall
procede to the plc in the sayd cyte.
For the Justices hathe no power to
procede after the warraunty deter-
mined. And the Mayre and Sheryffes
hath no power to make pces agāst
the foreyne whiche is bouché. As it
apperteth by the statute of Bloccster
Capitulo. 12. whiche begineth (Dur
uewe est ensement que si home soit
emplé. &c.) And knowe ye that wher
the kynge hath graunted fraunchises
to the cyte of Lond / or to any other
towne that they shall nat be emple-
ded of landes or tenementes within
theyr fraunchyses / ne of any other

thyng out of the same fraunchyse/
they maye haue a byll whiche is cal
led **ffreshforce** i the nature of assise
of nouel disseisyn/**Mort d'oz** itruitiō.
But it behoueth that it be brought
within .xl. dayes after tyle grouen
and if nat/than it behoueth that the
sayd cytesyns haue other writtes
out of the Chauncery in to the hus-
tynges of London. And if a foreyne
byrge Assise oz other writte of te-
nementes in London / oz in other
towne fraunchysed retournable be-
fore the Iustices. Than the balyfe
of the fraunchyse maye come and de-
maunde knowlege of the plice by a
writte of the kyng / and they shall
gyue a certepne day in the fraunchyse
and than are they of the fraunchyse
as Iustices of the kyng. But all
maner of plices personalles / as **Det/**
Trespas/oz Couenautes maye be
pleded in theyr fraunchyses by pleint
without byrnyng any writte at
the comon lawe/theyr they may de-
maunde theyr knowlege and fraun-
chise: vt sup^a. But knowe ye/that
if the fraunchyse be nat demaunded

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in tyme that is to say / if proces be sued vnto the exigente / the fraunchyse shal nat be allowed. For that / that in suche case the fraunchyse maye nat make right accordyng to the proces awarded in the courte of the kynge. And also i a Quare impedit though the fraunchyse be chalanged it is nat allowable. For that / that the execution of that / may nat be awarded in the fraunchyse. And also in a plee of lande / if the tenaunte make defaute / than the Stewarde / or the baylyfe of the fraunchyse / at the graūde Cape retournable shal nat haue knowlege For that / that he maye nat gyue iudgement vpon the defaute recorded in the court of the kynge. As appereth. **Hillarii. 40. E. 3. in the begynnige.**

☞ It is to be knowen / that euery writte whiche toucheth fre holde in London / ought to be dyrected to the Mayre and Sheryffes of Londo. But all other writtes whiche are at the comon lawe in the same cyte / ought to be directed to the Sheryffes onely.

☞ A writte of ryght of towre.

Natura breuium.

No. 7.

R

Ex A. salutem precipimus ti
bi : qd plenum rectum teneas
D. qd fuit vxor L. de tertia par
te vnius mesuag. cū pertiñ in L. quā
clamat tenere de te. s. de dñō in dotē
per liberū seruitium tertie part; vni
us denarii per annum pro omni ser
uitio qd H. ei deforceat. Et nisi. &c.
ne amplius. &c. teste. &c.

A wyfe
of right
of dower
is suche

This writte of right of Dower
lyeth where a woman hath re
ceiued parte of her dower/ & she
wyl de māde the remenāt against the
same tenāt i the same towne she shal
be cōpelled to the forsaide writte & the
said writ shalbe directed to the heyre
or his gardeyn (if he be i warde) But
if the heyre be in so greate pouerte
that he hath no courte/ thā it shalbe
dyrected to the chyfe lord/ for default
of the heyre. And this writte is re
mouable (if the lord wyl nat do
ryght to the partic) as afore is sayd
in a writte of ryght Patent. And
where a woman is endowed and af
ter is disseysed/ and the disseysour cō
tinueth longe his possession/ and af

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ter the womā putteth hym out / and
the disseyfour doth recouer by assise
the woman hath no recouere / but by
a writte of ryght of dower / as it is
sayd. And knowe ye also / that if the
woman hath recouered parte of her
dower / & parte fro her be deforsed / or
if she recouer all her dower saue a cer
teyne parcell therto belongynge / in
these two cases the womā shalbe cō
pelled to demaunde it / by a writte of
ryght of dower. And knowe ye / that
euery maner of Baylewke / or of
fice / in whiche the husbände of the
wyfe hath fee / whiche baylewke / or
office the wife her self (or any other)
in her name maye sufficiently kepe /
in al suche offices / or bailiwkes / she
shall haue dower. But if it be the of
fice of the Stewardshype / or Mar
shalshype of Englande / whiche two
offices she can nat (by her selfe nor by
deputy) take vpon her / therfore she
shall nat be endowed of them.

☞ Knowe ye / that a woman shall
haue a writte of ryght of Dower of
the halfe / after the vsage & custome
(as in Kent) and other suche places

Natura breuium. **Ho. 8.**
called **Sauclkind.** But if the womā
committe fornicacion / or take a hus-
bande she is barred of all her dower.
As it appereth by the statute of **pre**
rogatiua regis in the ende. **Capi. 17.**
But if she wyll lyue without a hus-
bāde / she shalbe endowed of the halfe
of all the lande.

¶ Addicion.

¶ Knowe ye / that a woman shall
nat haue dower of **Estouers** / that is **H. 2. E.**
to saye / **Husbote** / and **Heybote** / be- **.2.**
longynge to the freholde of her hus-
bande. For that / that if her husbāde
had ben deforsed of that profyte / or
his heyre of two partes / none of the
shulde haue a **preceipe** or **reddat**. For
if the wyfe shulde haue a **preceipe** or
reddat / the heyre shulde haue it also /
so that euery of them shall haue as
moche as the husbāde had. And for
that / suche profites may nat be par-
ted / as charcoles in the woddes of a
nother. **¶** Foster in fee / ne **Cham-**
berlayne. And if suche ppyte dyscēde
to fyue parccners / euery one shall

Natura breuium.

nat haue suche profyt/ but one parce
ner shall haue the hole profyte / and
these other shall haue allowaunce.
And so the wyfe shall be allowed for
her dower.

**A writte of Dower wherof
she hath nothyng.**

A writ
of right
of dower
wherof
she hath
nothyng
is suche

R Et vic. Mydd salutem. Pre-
cipe A. q iuste. &c. reddat E. q
fuit vxor C. rationabilem do-
te sua: q cam contingit de libero tene-
mento/ qd fuit predicti C. quondam
viri sui i R. unde nihil habet vt dic.
Et unde queritur q predictus A. ei
desorreat/ et nisi. &c.

This writte of Dower / vnde
nihil habet/ lyeth in many ma-
ners / that is to saye/ if a man
marry a woman generally spekyng
nothyng of dower thā after the deth
of her husbände/ the wyfe may reco-
uer the thyrde parte of all suche lon-
des or tencementes whiche were to
the husbände (durynge the marriage
betwixt thē) by this writte aforesaid.

Natura brenium. **fo. 9.**

But if she hath receiued parte of her
dower of one man of those landes and
tenementes in one towne / if she wyll
sue for the remenaunte whiche is be
hynde agaynst the same tenaunte of
those landes and tenementes in the
same towne. Than she is put to her
wytte of right of dower : and nat to
the forsaide wytte. And the proces is
graunde Cape : and petit Cape.

Proces

*** Addition.**

But knowe ye / that if a man be
seised of foure acres of lande in one
towne and take a wyfe : and make a
lese of one acre for terme of life of the
lesse / and hath issue and dyeth seised
of these .iii. acres / and his heyre en-
treth : and endoweth his mother of
these thre acres / & after the tenaunte
for terme of lyfe dyeth / and the issue
entreth (as in his reuercion) now
the wyfe shal haue a wytte of dower
vnde nihil habet : of the acre whi-
che was lessed / and nat a wytte of
ryght of dower / for that : that the
heyre was nat tenaunte of the sec-

M. 2.

E. 2.

10. 11.

10. 11.

10. 11.

Natu.

B. 1.

Natura brenium:
holde of that acre whan he endowed
his mother of these other.iii. acres.
¶ Another case is / whan a man
hath married a woman / and she is en-
dowed at the church doze of cer-
taine landes and tenementes in a
place speciall / in this case though
the husbande haue more or lesse whā
he dyeth she shall recouer by the for-
sayd writte all those landes and tene-
mentes whiche were to her assigned
at the church doze in name of her
dower. But if she wyll / she may re-
fuse this assignement and take her
dower at the comon lawe.

An. 40.
E. 30.

¶ The thyrde case is suche / whan
the father graunteth to his sone to
endowe his wyfe of all suche landes
and tenementes that to hym ought
to discende by the same father / and
after that the sonne dyeth / the wyfe
shall recouer the thyrde parte of all
the fathers lande. But in this case
some men saye that if the wyfe haue
no wytyng of this endowment
she shall recouer nothyng: as it ap-
pereth in a writte of dower.

Nota.

¶ And note ye / that the wyfe shall

be endowed of landes and tenementes
whiche her husbände had in fee
symple : or fee taylor. But in some
case the wyfe shalbe endowed where
her husbände was nat seised/ne neuer
in posseltyon. As my father dye scy
sed of certayne landes and tenementes
in his demeranc as of fee/ and no
man entretch in the lande/and I dye
my wyfe shalbe endowed / and that
is in fauoure of dower. And yet I
was nat seised of the lande.

And knowe ye / that in these ca
ses folowynge / the wyfe shal nat
be endowed of landes or tenementes
/ in whiche her husbände was
seised in fee symple / or fee taylor du
rynge the mariage.

Nota.

As if lande be gyue to hym and
to his fyrste wyfe / and to the heyres
of theyr two bodyes begotten / in
this case the seconde wyfe shal nat
be endowed. Or if the husbände co
mytte felony/for the whiche he is at
taynted though after the said attai
ner he purchace his chartour of

Natura breuium.

pardon of all those land; wherof he was so seysed before the sayd attayner. But of landes purchased by the husbāde after that he hath his chartoure of pardō / she shall haue dower. Or in case that my auncestre holde certaine lande of the kyng in chefe: and dye seysed / if I entre in to my heritage without proces of the lawe / and dye seysed (before that I haue a chartoure of pardon of the kyng for my entre) my wyfe shall nat be endowed of the lande. Loke in *Prerogatiua regis. Capit. 14.* Or in case that tenement; be recouered against the husbāde by accion tryed. Or by accion agaynst her husbāde ryghtfully without disceyte or collusion pleded and iugement of the courte. Or if perpetuall deuorse be had betwixte the husbāde and his wyfe. Excepte it be by cause of chastite. Or if she go away frō her owne husbāde with a nother man and nat reconciled by her husbāde of her good wyl without coerccion of holy churche. Or if her husbāde be vyllayne. Or if her husbāde dye within age of. vii.

Natura brenium. Jo. 11.

peres. Or if a man marry his neyfe.
Or if her husbände lose his lande by
batayle/or by great assyse. Or if the
husbände haue but estate for terme
of lyfe/or for yeres.

☞ Knowe ye / that a woman shall **H. 7.**
nat be endowed of the goodes of her **H. 4.**
husbände/for the husbände may sell
them or gyue thē at his pleasure.

☞ A woman shall nat be endowed **H. 2.**
of Estouers: that is to saye. Hous- **E. 1.**
bote / Heybote / for that that if the
husbände had ben deforced of all/or
the heyre of. ii. partes: he shulde nat
haue had a p̄cipe quod reddat/as
is before sayd in a writte of ryght of
Dower.

☞ In these cases before said and in
many other mo: she shall haue no do
wer/ ne recouere by the sayd writte.

☞ And knowe ye / that by the sta-
tute of Werton. Capi. 1. The wyfe
shall recouer damages in the sayde
wrytte: for the landes of whiche her
husbände dyed seysed. Excepte the
tenaūte come in to the courte at the
fyrste day/and say that he is redy to
yelde to her dower.

Natura breuium.

And knowe ye / that this writte
shalbe maintained agaynst whome
so euer be in possession of the landes
and tenementes whiche were to her
husbande after the espouselles / in
what maner so euer that he is in pos-
session. But the wyfe shal nat re-
couer damages in these writtes / but
for landes and tenementes wherof
her husbande dyed seysed.

Nota.

And knowe ye / that in these ca-
ses folowig / the wife shalbe endowed
of landes or tenementes / in whiche
her husbande was seysed in fee sym-
ple / or fe taylor during the marriage.

T. 2.

H. 6.

Knowe ye / that a woman shal-
be endowed of a bylleyne in grosse &
the writ shalbe de **Libero tenemēto**.

T. 11.

H. 4.

Knowe ye / that a womā shalbe
endowed of a rent charge.

Pa. 22.

E. 4.

In a writte of dower / the ternaūt
sayd that her husbande was neuer
seised. And the demaundaūte sayd
that T. father of the husbande of the
demaundaūte dyed seised / by force
wherof those landes descended to her
husbande / and he dyed before any o-
ther estraunger entred. And so sea-

Natura breuium. fo. 12.

sed and of suche estate. &c. of this sea-
son i la we the wyfe shalbe endowed.

☞ The graundfather/ father/ and
the sone. The graundfather holdeth
of the kynge and dyeth / the father
beyng of full age haupnge a wyfe
and dyeth / before that he sue lyuere
or entre : his heyre within age. The
eschetoure doth seale the son/ and co-
mitteth that warde of the body and
lande to a straunger/ in this case the
wyfe shalbe endowed/ and the writte
lyeth agaynste the gardeyne. But if
the father had entred / and dyed be-
fore lyuere sued / the wyfe shall nas
be endowed. For the statutes: *Puls-
lu accrescat ei liberum tenentum/ pre-
rogativa regis. Capitulo. 12.*

☞ Kente was graunted to a man
in fe/ and he toke a wyfe : and before
the daye of paymente he dyed / and
the wyfe brought a writte of dower
and the ternaute sayd / that her hus-
bande was nat seased durynge the
espouselle. In this case the demau-
daunte maye maynteyne that her
husbande was seased / and shewe
the specyall mater in eydence / for

M. 4.

H. 6. c. 1

M. 38.

E. 3.

T. 11.

H. 4.

Natura breuium.

**He shall nat haue the speciall mater
by way of ple.**

**M. 41.
E. 30.**

**¶ Tenaunte in the general taylor/
made a scoffement in fe: and toke es-
tate agayne to hym and to his wyfe
in the speciall taylor / and hath yssue
and the wyfe dyeth / & after he toke
a nother wyfe and he dyeth. The se-
conde wyfe shall recouer her dower /
for that that her husbände was seys-
sed of suche estate. &c. But she shall
haue the auerment that her husbände
cōtinued his estate before of the taile**

**T. 34.
E. 30.**

**¶ Knowe ye / that if I enfeoffe one
vpon cōdicion that he shall enfeoffe
a nother man before suche a day / in
this case though he the same daye he
make the feffement: yet his wyfe
shalbe endowed.**

**T. 5.
E. 30.**

**¶ If lande be recovered in value
agaynst the husbände by cause of a
warrante made by his auncestre a-
fore the mariage / yet the wyfe after
his deth shalbe endowed. For the
husbände myght haue alpyened the
lande before that he was vouched /
and than he shulde nat haue yelded
in value. And by cōsequence the ty-**

Natura breuium. Fo. 15.

He of the wyfe is older. For the tittle of him whiche voucheth begynneth but the day of the vouchur.

¶ If the heyre after the deth of his father entre and take a wyfe / and after doth endowe his mother / his wyfe shalbe endowed of that parte wherof that his mother was endowed before. For that that he was seised of the same lande one tyme in fe. And if the lord purchase the demeane / and after the meane dyeth. And the wyfe recouer her dower by writte / she shall nat paye the thyrde parte of the rente. For by the purchase the rente was extyngwished. And nat withstandynge she shall recouer her dower / yet he may nat a- uowe: for she is nat ternaunte.

¶ Lord / meane / and ternaunte are / the ternaunte holdeth of the meane by a peny / and the meane holdeth ouer by .xx. d. the meane releaseth to the ternaunte all the ryght that he hath in the lande / and the ternaunte dyeth: his wyfe shalbe endowed of the lāde. And she shalbe attendaunte to the heyre of the thirde parte of the peny

W. 25.

E. 3.

Natura brenium.

and nat of the thyrde parte of the .xx.
d. for she shalbe endowed of the best
possession of the husbnde .

**H. 22.
E. 3.**

☛ If I gyue lande afore the sta-
tute / or at this day to a man in taile
to holde of me by a peny / and after
his deccase / his heyre to pay to me
xx. d. for euer : he dyeth / his wyfe is
endowed of the lande / she shalbe at-
tendaunte to the heyre of the thyrde
parte of the .xx. peny / for it is all one
rente / and of the same rente the lāde
is charged by condicion in dede / and
she may nat haue acquytaunce of the
heyre / for that that the lande is
charged by the dede of the father / of
whose possession she claymeth do-
wer .

**Ex. 8.
E. 3.**

☛ In a writte of dower brought
agaynste the Bardeyne / he algeth
that she hath taken away thenfaute
whiche was in his ward / and de-
maunde iugmente of dower afore
restitution / and that was a good
ple / and if she make nat restitution
of thenfaute in lyke plyte as he
was whan he was taken away / she
shall nat haue dower.

Natura breuium. Jo. 14.

¶ In a writte of dower the case **H. 9.**
was suche. The father and the son **E. 3.**
are/the father is seased of thre acres
of lande / the father dyeth: these thre
acres discede to his sone/the sonne
taketh a wyfe / and endoweth his
mother of one acre in alouaunce of
all her dower / this dower of olde
tyme deserued/is a good ple in barre
(if the wyfe of the sonne do bynge
a wytte of dower of that acre a-
gaynst the mother) natwithstan-
dyng the endowmente agaynst co-
mon ryght.

¶ In a writte of dower broughte **M. 10.**
agaynst a Bardeyne/whiche saith **E. 3.**
that the wyfe withholdeth chartours
and munimentes conscrnyng the
heritage of the Infauite that is in
his warde / and if she wolde to hym
haue delyuered the chartours / he
was redy to yelde dower : and for
that that the delyuere of these char-
tours belongeth nat to the Bar-
deyne: she shall recouer. So it is
thought that this plee lyeth nat in
the mouth of any man to pleade/but
onely in the mouth of the heyre.

Natura breuium.

**A writte of Admesurement
of dower.**

A writte
of Adme
surement
of dower
is
suche.

Rex viē salutem. Questus est
nobis W. fil et her B. vel fra-
ter vel consanguineus et her
B. qd A. que fuit vxor T. plus habet
in dotē de libero tenemēto quod fuit
predicti T. quondā viri sui in R. quā
habere debet et ad ipsā pertinet ha-
bend. Et ideo tibi precipimus qd ius-
te et sine delatione admesurare fac
dotē illam. Ita qd predicta A. nō ha-
beat plus in dotem de hereditate pre-
dicti W. quā habere debet et ad ipsam
pertinet habend scdm rationabilem
dotem et quod predictus W. habeat
de dote illa id qd habere debet et ad ip-
sū ptinet habendū. Ne amplius. &c.

This writte of Admesurement
of dower: lyeth agaynste the
wyfe. And by the statute of
westm secōde. capi. 7. whiche begyn-
neth: Custodi de cetero. &c. it is gyue
as well for the Bardeyne as for the
heyr / but the heyr may nat. haue
this writte before that he be of full
age. And also he may haue a writte

Natura breuium. Fo. 15.

to remoue this writte out of the cou-
te i to the comon banke. And knowe
ye: that proclamaciō shalbe made in
this writte of Admesurment / and
other writtes: as is cōteyned in the
sayd statute / and therfore loke the
statute. And knowe ye that the wyfe
of the tenaūte whiche holdeth of the
kyng in chefe may nat entre in her
dower/before that she hath receyued
her dower by assignemēt of the king
And if she mary without lycence of
the kyng/ she shall make fyne. And
whan she hath her dower assygned /
she shall sweare that she shall nat ma-
ry without lycēce of the kyng. And
if she mary without lycēce (vt supra)
than the land; that she hath i dower
shalbe takē in the hande of the kinge
for the trespasse. Ut p3 in preroga-
tiua regis. Capitu. 4. And she shall
make othe (as is aforesayd) and with
that accordeth Magna carta. ca. 7.
whiche begynneth; Vidua post mor-
tem mariti sui. &c.

Q A writte of right: de
Rationabili parte.

Writte
of right
de ratio-
nabili
pte is
suche.

Natura breuium.

Rex A. de B. salutē. Precē tibi q
plenū rectū teneas C. de B. de
bno meū cū ptiū in London /
quod clam esse rationabilem pectm
suā / que cam cōtingit de liberē teūto
qđ fuit p. p̄tis / matris / f̄tis / vel sorō
ris sui vel suc / et tenere de te p liberū
seruicē quarte pectis vnius denarii
per annum pro omni seruicē qđ B. ei
deforē / et ne feceris . q̄. nisi am-
plius . q̄. .

This writte of right de Ratio
nabili parte : lyeth all tymes
betwyte p̄cūes of blode / as
betwyte brothers / sisters / newewes
or nices : and nat betwyte straun-
gers. And if it be brought betwyte
straungers / the wytte shall abate .
And also it lyeth where myne ann-
cestoure dyed nat seyled : as if any
man whiche hathe many colhepes
make a lease of certayne lande / rente
or tenement / for terme of lyfe of
the lesse / or for terme of a nothers
lyfe / and dyeth before that the reuer-
cion of the sayd landes be to hym re-
uerted . And after that the lesse dyeth

or he for whose lyfe the lande was
lette / and one of these coheyrers (to
whome the lande ought to reuert)
doth entre / and holdeth all the other
coheyrers out / than they whiche are
holdē out / shall haue the sayd writte
agaynst that coheyrer that hath en-
tered in to the hole lande. And knowe
ye that this writte is a writ of right
patente / but it shall nat be tried by
batayle / or graunde assise. And this
writte lyeth nat betwyrte parentes
whiche claymeth by discente (after
that it passeth the thyrde degre) but
it lyeth betwyrte brytherne and sy-
sterne / where the one claymeth by
chre / & the other by discēte / for this
writte is nat ordeyned / but for to try
the pzeuyte of blode. And the proces
is a **Homons** / and if he make de-
faute at the **Homons** retournable /
than the graunde **Cape**. But if he
come at the **Homons** retournable
and after make defeaute / than the
petit **Cape** shalbe awarded . But if
the parties come and pleade to issue
than the proces is agaynst the **Jury**
Venire fac / habeas corpus : and

Proces

Natura bremium.

a distresse / buttill they come. Also
there are other writt; as of Eschete
Droit sur disclaymer / Reueue / Res-
coute / Droit de garde / whiche are
called wyttes of ryght : by cause
that they are taken by reason of the
seignory : and nat by cause of dis to
hym / nor to thep; auncestoure.

Nota.

¶ If a mā hath issue .ii. dought-
ers by dyuers women / and dyeth :
they entre / and make properte be-
twixte them / if the one dye without
hep;e generall / or special : her part
shall eschete to the lord / and shall
nat discede to her sister of the halfe
blode. But if that syster haue an un-
cle / the lāde shall discede to the uncle /
and if the uncle dye without hep;e
of his body / the lande shall discede
to the other sister whiche was of the

Quere.

halfe blode / et contra: Quere hoc.
¶ If a man haue issue two sones by di-
dyuers women and dyeth / the older
both entre in the lande : and dyeth
without hep;e of his body / the lande
shall discede to his uncle. And if the
uncle dye without hep;e of his body
the lāde shall discede to the yonger

Natura breuium. fo. 17.
brother / as cosyne & heyre to hym.

A writte of Ryght close.

Rex balliuis suis de A. salutē.
p̄reē vobis / q̄ sine dilatione
& scōm cōsuetudinē manerii
nri de A. plenū rectū teneatis B. de
C. de vno mesuagio cum pertiñ A.
qđ ei defor̄ceat / ne āpli⁹. &c. testē. &c.

A writte
of righ
close is
suche.

This writte of Ryght close
(whiche is called after the cus-
tome of the maner) shalbe all
tymes brought in the courte of an-
cient demeane. And euery writte (that
is sued vpon the custome of the ma-
ner) is called a writte of ryght close
And this writte lyeth alwayes be-
twyxe Sokemē / whiche are of an-
cient demeane. And knowe ye / that
a Sokemā is p̄perly suche one that
is fre / and holdeth of the kynge (or of
any other lord of auncient deme-
ne) landes or tenementes in villen-
age / and is privileged in this maner /
that no man ought to put hym out
of his landes & tenementz / as longe

Natura.

E. l.

Natura breuium.

as he is able to do his seruices / whiche to his landes and tenementes be longeth / no man maye encrease the seruices of his ternaunte / nor con- streyne hym to do mo seruices / than he hath done in tyme past. And for that these Bokemen were gainours of the lordes landes in aunciente demeanere. And they ought nat to be somoned / nor trauailed / in Iuries nor enqstes / but i the maners / to whome they belonge. But yet i plects of trespass / Det / and other personall acciōs they are somoned as other people. And of these ternauntes in villinage / loke the fyrste statute of Ric the se- sonde. Ca. 6. And one Bokema may nat empled a nother of landes and tenementes (withi auncient demeanere) by any other writte than this writte of right close. And in this writte the demaundaunt shall make his protesta- tion i the court / to sue his writte in the nature of what writte that he wyll as his case lyeth. And knowe ye / that this writte shal nat be remo- ued / but for a great cause / that is to say / whan the court lacketh power

2. 2.
ap. 6.

Natura breuium.

To. 18.

or for that / that he sayth that his fa-
ther was ensclosed by our souerayne
lorde the kyng / & sayth that he may
nat / ne ought nat (without the kyng)
make answer. Or he sayth that he
holdeth the tenementes (whiche are
in demaunde) at the comon lawe / by
fyne leuyed i the court of the kyng
afore suche Iustices / & for that the
ple maye nat be sued forth by this
writte of ryght close in the court of
aunciente demeane / and many other
causes are / wherby this writte may
nat be remoued by the Accordare at
the sute of the ternaunte. Knowe ye
that all those landes or tenementes
whiche are in the hande of the lorde
of aunciente demeane) are frankfe /
and pleable at the comon lawe. And
all these & lād; tenemēt; whiche are
in the handes of those ternauntes of
aunciente demeane are pleadable
withiū aunciente demeane / and nat
in other places. And knowe ye /
that the demaūdaūte in this writte
maye nat remoue the plee for cau-
se nor without cause / for that / that
he maye nat haue a Tolt to put

Natura.

L. ii.

Natura breuium.

it in to the counte / nor remoue the
ple out of the counte in to the comon
bank. But if he complayne (that
ryght to hym is denyed or delayd in
auncient demeane) And than he shal
haue a writte out of the Chaucery
to the sheryffe of the same counte / co
maundyng hym that he go in his
propre persone / takyng with hym /
foure knyghts of his counte / and go
to the sayd courte of auncient demeane
to se that ryght to hym be done. The
demaundaunt also maye haue other
writtes to helpe hym as it appereth
by the Registre. And also the tenaunt
maye haue a Superfedias / in case
that he vouche a foreyne to warraty
in the courte of auncient demeane.
And vpon that one attachement (if
nedd be) And in case / that the sayd la
des in auncient demeane be solde by
fyne without lycence of the lord /
he maye haue a writte of the Cha
cery / for to adnull the sayd fyne (As
it is sayd) or other wayes / he maye
haue a writte of dyscepte agaynst
his tenaunte / that hath leuyed the
sayd fyne / and recouer his Damages.

ut dicitur. &c.**¶ Addition.**

And note/whiche are good causes in this writte to remoue one matter out of one perticuler court in to the kynges court. &c.

Knowe ye/that it is sayd in Assyse brought by the Abbot of E. &c. that it is good cause to remoue the ple/to say that the bailly is seruante of the pleynntiffe. And it was sayd/that if one ple be remoued out of the court of one lord/for one cause/ the cause is trauesable but of one pleite out of the counte / otherwys is.

Quere the diuersite.

In Assise of freshfoze brought in auncient demeane / the ternaunte sued a Recordare to the sheryffe / for to remoue the ple / & the cause was that the bayllyffe had a lyuerie of the pleynntiffe/and the pleynt was of the freholde. And it was holden that this cause was nat sufficient / to put the court out of Jurisdiction / for the iugement belongeth to the iutours and nat to the baylye. And nat lyke to one Recordare/to remoue one ple

Quere.

H. 12.

H. 4.

Natura brenium.

In to the coſte/and to ſhewe that the
ſheriffe hath a lyuere of the pleyntif
there the ple ſhall nat be demaunded
for that / that the one and the other
are the courtes of the kyng.

**A writte of ryght of pꝛeciꝑe
in Capite.**

**A writte
of right
of pꝛeci
pe i Ca
pite is.
ſuche.**

Rex viſ. S. ſalutem pꝛeciꝑe A.
q iuſte. &c. reddat B. vñ me
ſuagium cum pꝛetiũ in C. qd
clamat eſſe ius et hereditatem ſuam
et teneat de nobis in capite / et vñde
queritur : quod pꝛedictus A. ei iuſte
deſorreat: vt diſ. Et niſi fecerit / et p
dictus B. fecerit te ſecurũ de clam ſuo
pꝛoꝛ tunc ſuũ. &c. q ſit coram iuſt. &c.
&c. oſtenſurum quare non fecit / et ha
beas. &c.

This writte of ryght/ pꝛeciꝑe
in Capite/ lieth for the tenante
whiche holdeth of the kyng
in cheſe/ as of his crowne/whiche te
nante is deſorced/that he ſhall have
this writte / and this writte is cloſe/
and ſhalbe pleaded i the comũ bañe.

Natura breuium. fo. 20.

For if any tennaunte whiche holdeth
of any lord be deforced / he ought to
haue a writte of right patente / whi-
che writte shalbe determyned in the
courte of the sayd lord. And in the
same maner / he that holdethe of the
kyng i chefe as of his crowne (if he
be deforced) he shall haue a p[re]cipe
in Capite. But by the graunde char-
ter. ca. 23. whiche begynneth. Bre-
ue q[uo]d vocatur p[re]cipe i capite: wyl-
l that this writte shall nat be graunted
to any man wherby any fre mā may
lose his courte. But if any wyl haue
this writte / he shall sweare by his
fayth that the tenement (whiche is i
demandaunce) is holden of the kyng in
chefe / as of his crowne / and of none
other. But if any man purchase the
p[re]cipe in Capite / by false suggesti-
on made in the courte of the kyng /
to defraude the chefe lord of his
courte / thā the chefe lord shall haue
a writte to calle agayne the p[re]ce dy-
rected to the iustices / that they maye
enquyre if the tenementes be holden
of the kyng or of the chefe lord.
And if it be founde / that the tenementes

Natura breuium.

are holden of the chiefe lord that the
demaundaute (if he wyll) may bryge
his writte of ryghte patente in the
courte of the lord.

And knowe ye / that if any man
be esloyned de malo lecti in a writte
of ryght / than if the demaundaute
wyll proue that the ternaunte is not
so seke (but that he maye come well
ynoughe) & the enquest fynde agaisst
the sayd ternaunte / his esloyn shall
tourne hym in one defaute. And also
this esloine lyeth nat but in a writte
of ryght / wher two claime by one
discete. And that is ordeyned by the
statute of westm. 2. ca. 17. whiche be-
gynneth In itinere Justic. &c. And
vpon that the demaundaute shall
haue a writte out of the Chauncery
to enquire (if the ternaunte be seke or
nat) And also if the ternaunte hath de-
maunded lycence to ryse / and to ap-
pere in the courte / where the writte
of ryght hangeth. And if to hym it
be denyed / that he shall haue a writte
(whiche is called / The licentia sur-
gendi. &c.

Addicion.

Natura brenium. No. 21.

¶ Then the lord may recover his
courte by two other wayes / that is
to saye / when the writte hangeth be-
fore the Iustices / he maye come be-
fore them and shewe his case howe
these tenementes are holden of hym
And if the Iustices se and fynde his
suggestiō true / the writte shall abate
vnto patet.

¶ And if the Demaundaunte recover
by this writte / the lord maye after
brynge a writte of disceyte agaynste
the Demaundaunte / and recover his
damages agaynste hym. And after
by petition / he shall recover his seig-
nory out of the handes of the kynge
¶ It patet.

A writte of Monstrance.

Rex Abbati de A. salutē. Quia
 strauerunt nobis homines/de
 manerio de A. qđ est de anti-
 quo dominico corone Anglie qđ tu ex
 igit ab eis alias consuetudines & a-
 lia seruitia / qđ facere debent et ante-
 cessorēs sui tenentes de eodem mane-
 rio facere consueuerunt / partib⁹ qui-
 bus manerium illud fuit in manib⁹

Natura breuium.

progenitorum nostrorum quondam
regum Anglie/vel in manu nostra et
ideo tibi precipimus qd a prefat homi-
nibus nō exigas seu exigi permittas
alias consuetudines et seruitia q̄ fa-
cere debent et antecessores sui predi-
cti facere consueverunt temporibus
predictis. Et nisi ad mandatum no-
strum hoc feceris A. viē nostro de R.
id fieri precipimus: teste. &c.

This writte / whiche is called
Monstraverunt / lyeth for the
tenauntz in aunciente demene
whiche are distrained for to make o-
ther seruires / or customes / than they
or theyr auncestours made in the
tyme of wyllia Lōquerour whiche
passeth the tyme of memozy.
And knowe ye / that this writte
shalbe dyrected to the lord / whiche
demaundeth other seruires or custo-
mes (as afore is sayd) hym cōmann-
dyng / that he demaunde none other
seruires & customes / but suche that
he & his auncestours hath done in
auncient demene tenure. And also
they may haue a Monstraverunt di

Natura breuitum. Fo. 22.

ected to the sheryfe bym commaund
dynge / that he shall nat suffre the
lorde to distreyn the sayd tenaunt
to do other seruiCES and customes
thā they ought to do. And knowe ye
that if the tenaunt may nat be i quy
et ne i peacc by this writte / they may
haue one attachemēte agaynst the
lorde / that he be before the Iustices
of our soueraygne lorde the kynge
at a certeine day. &c. And the names
of all the tenauntes / shalbe put in
the writte / and all the tenauntes to
gyther shal sue the sayd writte / for if
one tenaunte be dystreyned / to do o-
ther seruiCES or customes (than they
ought to do) that shalbe in prejudice
of all the other tenauntes / whiche
holdeth by lyke maner of seruice. &c.
whan the boke of Domydaye was
made that is to saye / in the tyme of
saynte Edward the kynge / all the
landes & tenemētes whiche were in
his hande at suche tyme that the
boke of Domyday was made / are cal-
led assicente demeane. But the lādes
& tenemēt; whiche thā were i other
menes handes are frankesce / and

Proces

Natura breuium.
pleable at the comon lawe. And the
proces is a prohibition/ one attache-
ment/ and one distress. &c.

Addicion.

**P. 39.
E. 3.**

Knowe ye that in this writte of
Monstraverunt euey one of them
maye declare scuerally / and so they
may nat in other writtes but i this
writte. And they may make one de-
claracion (if they wyl)

**P. 2. H.
. 5. E. 19.
E. 3.**

And i this writte/ the death of one
these playntiffes shall nat abate the
writte/ by the opinion of the courte
Notwithstanyng that al be nat na-
med / yet the writte lyeth for those
that wyl sue: by Wabb.

**M. 11.
E. 3.**

And in this writte/ they shall de-
clare of euey tenure / and that the
lorde the distrained for mo seruices.
Or if he demaunde/ and distraine nat
yet the writte lyeth for the/ and they
shall put in certeyne/ for what thing
he doth distrayne them. But they
ought nat to allegc the daye & place
in certeyne / no more thā in a writte
of Ricane/ for a mā shall haue a writ

Natura breuitatis. Ro. 23.
of Meane / though he were neuer
distreyned.

And also it is conuenient / that Pa. 39.
the pleyntiffe shewe / that the maner E. 3.
is auncient demeane.

And knowe ye / that this writte Pa. 41.
lyeth nat / for suche men that holdeth E. 3.
lande in auncient demeane / by court
rolle at the wyll of the lord.

A writte of Ne iniuste veres.

Rex A. salutem prohibemus
tibi ne iniuste veres vel veras A writte
re permittis B. de libero tenement of Ne in
to suo : quod de te tenet in A. nec ab iuste ver
co erigas vel erigi permittas consu es is
ctudines & seruitia : q̄ inde facere nō luche.
debet / nec solet / et nisi feceris viz A.
id fieri faciet ne amplius inde clam
aū p defectu recti : teste. &c.

This writte of ne iniuste veres /
lyeth where any lord doth dy
streyn his fre tenaūt / whiche
holdeth of hym by certeyne seruices
and customes / to do mo seruices or
customes than he / or his aūcestours

Natura breuium.

was wonte to do/ than the tenaunte
shall haue this writte/ as is prouided
in the statute of Magna Carta ca.
.10. whiche begynneth (Nullus dis-
stringatur. &c. And this writte is a
prohibition/ whiche shalbe dyrected
to the chyfe lordc comaundyngc hym
that he dystreme nat his fre tenaunte
to do any other seruice/ nor custome/
than the sayd tenaunte oꝝ his aun-
cestour was wonte to do. And this
writte is a writte of ryght patente/
foz this clause shalbe put i the writte
Et nisi fecerit. &c. And knowe ye/
that this writte/ is all tymes aunces-
sell/ & shalbe determined by batayle
oꝝ graunde assise. And the proces is/
as in/ he Monstraunt/ that is to
say/ one phibicion/ one attachemēte
and dystres.

Proces

**M. 40.
E. 3.**

Knowe ye/ that i this writte he
shall nat declate whā he distreyned/
but shall saye that he hath hym gre-
ued foꝝ mo seruices. &c.

**A writte of ryght Quando do-
minus remisit curiam suam
domino regi.**

Natura breuiam. fo. 14.

Rex vicecomiti Willelmo salutem. **W**ritte of right
Precepe A. q[uod] iuste. &c. reddat q[uod] d[omi]n[u]s
B. vnum mesuagium cum p[ar]t[em]
t[er]ra i[n] f[er]ro. quod clamat esse ius/et hereditatem suam. Et vnde queritur q[uod]
predictus A. ei iniuste deforceat. Et sua d[omi]n[u]s
nisi fecerit et predictus B. fecerit te Regi: is
securum de clamore suo proces tunc
sum p[er] bonos sum predictu[m] A. q[uod] sit
coram Justiciariis. &c. ostensurum
quare non fecerit. Et habcas ibi suum
mum: et hoc breue teste. &c. Quia ca
pitalis dominus nobis inde remisit
curiam suam. &c.

This writte of ryght And d[omi]n[u]s
remisit cur suā d[omi]n[u]o regi lyeth
in case where land; or tenement
tes (whiche are within the seynory
or of any lord) are in demaunde by a
writte of right. And if the lord holde
no court (or other wyse) at the pray
er of the demaundant/ or the tenante
shal sēde to the court of the kyng his
writte/ to put to the kyng his court
for that tyme/ saunge to hym a no
ther tyme the ryghte of his seyn
orye. And this writte shalbe

Natura breuium.

retourned before the Justices of the
comon bauke/and shalbe close. And
these clauses shalbe put i the writte
in the ende: Post teste me ipso. &c.

Quia capitalis dominus feodi illius
inde remisit nobis curiam suam. &c.
And the proces is/ somons/ graunde
cape/and petit cape.

A writte of Execucion of Iugemente.

A writte
of execu
cion of
Judge-
ment is
suche.

Rex vice Regis salutem. Preci-
pim⁹ tibi / qd excecū iudicii nu-
per reddid in comū tuo de loque-
la que fuit in comitatu tuo per breue
nostrum: de recto inter A. petentem
et B. tenentem / de vno mesuagio cū
pertinē i A. sine dilatione fieri fac. &c.

This writte (de executione Iu-
dicii) lyeth where any plee is
pleaded vnto Iugement/ and
the sheryfe (if the ple be i the counte)
or the baylfe (if he be i counte barō or
in hundred) in fauoure of the ternaite
or by other chaunce prolonge or de-
ferre the iugemente/ than the demaund

baunte shall haue this writte. And this writte is one Justicies. But if he make nat executiō / thā shal there go out a Sicut alias: with a clause (vel cām nobis significes) and after that one pluries / than shal go out attachemente as in a Kept. And knowe ye / that this writte lyeth for the demaūdaūte in a writte of right patente or close: as well agaynst the balife (if the ple be i a nother courte) as agaynst the Sheryfe: if the ple be in the counte. And also in this writte lyeth the proces of a cōtempte / and may be made in all other wryttes if nede be. &c.

✠ A writte of false Jugemente.

Rex viç Roz. salutē. Si A. fecit te secut de clam suo/proce tunc in pleno com tuo recoz dari fac loquelā / q̄ fuit in codē com p bñc nostrū de recto inter ipsū A. pē tentē de vno mē s cū pertiñ in C. vñ de idē A. querit falsū sibi factū fuisse iuditiū in codē com et recordū illud habcas corā Justiciariis nris apud

A writte of false iugemēt / is luche.

Natura breuium.
In tali die sub sigillo tuo et sigilla-
lis. iiii. legalium militum eiusdem comitatus
illis qui recordum illi inter fuerint et sum
per bonos sum predictum B. quod tunc
sit ibi auditus recordum illud. Et has
beas ibi sum nomina predictorum qua-
tuor militum et hoc breue teste. &c.

Procces
This writte De falso iudicio:
lyeth where false iugementes
is gyuen in counte/ hundred /
or in courte baron/ than he (agaynst
whome this iugement is gyuen) shall
haue this writte for to cause the res-
corde to be brought before the Justi-
ces of the banke / or in Eyre. And
knowe ye: that this writte shall ex-
tende aswel to writte of right whiche
are pledable in counte/ or in courte ba-
ron/ without writte. And knowe ye/
that a writte of false iugement / lyeth
nat in assyse of frethe force / but a
writte of errour. And knowe ye that
the pces i this writte agaynst the pte
is a garnishment vpo his peril/ and
agaynst the sheryfe/ or agaynst those
balyfes (if they do nat the commande-
ment of the kynge) the distelle. &c.

Natura brensum. 18.25.

¶ Addition.

☞ Knowe ye/ byō whiche iugement. 18.34.
tes a man shall haue a false iugement. 18.6.
if one Justices be directed to the the-
ryfe: to holde ple nat withstanding
that it be originall/ yet he shall haue
a writte of false iugement. &c.

☞ And in a writte of ryght/ the te- 18.22.
naute doth plede to thequest/ and at 18.3.
the venire faē / the tenaute is eslop-
ned/ and hath day ouer/ & no proccs
is made agaynst thequest/ ne cōty-
nued by the roll. And also at the
same day/ that the tenaunte hath by
the esloyne he is esloyned a nother
tyme / and that is chalēged for that
that this is the seconde daye after
thequest/ nat withstanding that/ that
esloine is allowed. And also aff suche
discōtinuance (if the plentife be nō-
site in the writte of right) & iugement
synall be gūē / in all these cases he
shal haue a writte of false iugement. &c.

☞ In a writ of right close brought 18.14.
in the courte of the lordc/ the proccs 18.4.
doth contynue vntyll the deman-
dante do recouer/ the tenaute with

Natura.

18.11.

Natura brennum.

Sue a writte of false Iugemente: and sheweth that the lande is holden by the berge / in whiche case he ought to sue by byll: and it was awarded that he shulde take nothyngc by his writte of false iugemente / for that: that if this iugemente be reuerled / that shalbe to gyue a freholde to the tenaunte where he lost no suche thig.

**H. 13.
R. 20.**

¶ Tenaunte at wyll of the lord (after the custome of the maner) brought a writte of right / and made his protestacion to sue in the nature of assise of mortdaisce: the proces dyd contynue vnto the demaundante dyd recouer / & the tenaunte brought a writte of false iugement / and assigned false iugement: and it was awarded that he shulde take nothyngc by his writte for the reason afore said.

**T. 10.
E. 3.**

¶ In a writte of false iugement / if the sherife retourne that he wente to the courtc / & that the suetours sayd that here is no suche ple / than there shall go out a Sicut alias: and nat a writte to cause the suetours to come for these suetours shal nat come but in case / where the parte wyll haue /

Natura brenium. No. 17.

that the recorde is other than these
suetours hath recorded.

And knowe ye/that if the Sherife
gyue false iugemente / without the
assente of the suetours / the parte
shall nat haue a writte of false iuge-
mente / but shall haue his remedy
(by byll) agaynst the Sherife.

An. 10.

E. 3.

Li. 26.

A writte of Erroure.

Rex balliuis suis de Droghda
lute. Quia in recorde et pro-
cessu / ac etiam in redditione iu-
dicti assise fresce foreie : q̄ int̄ A. et B.
fuit et capta coram nobis in curia
nra Droghda sine b̄ne nro secundum consue-
tudinem ciuitatis predictie de vno mes-
su pertisi in Droghda error interuenit
manifestus ad graue dampnum ipsius
A. sicut ex querel̄ sua accepim⁹ nos
errorem si quis fuit modo debito corri-
git et partib⁹ predictis plenam et cele-
rem iusticiam fieri volentes in hac parte
vobis precipimus q̄ si iudicium inde
redditum sit tunc recordum et processum
assise predictie cum oibus ea tangentib⁹
nobis sub sigillis vestris distinet / et a

A writte
of Er-
roure is
suche.

Natura brenium.

parte mutatis et hoc bñe ita q̄ ea hñ
beatis a die. q̄. vbi cūq. q̄. ut i spec
tis recorde et processu predictis vñe
eius inde fieri faciam⁹: q̄ de iure et
scōni legē et cōsuetudinē regni nostri
Anglie fuerit faciendū teste, q̄.

This writte of Errour / lyeth i
case where false iugemēt is gū
uē in the comon bāke / the whi
che writte shalbe retourned in to the
kyngs benche / and if the false iuge
ment be gyuen in the kyngs benche /
it shalbe reuerced by parliamēt / or by
the kyngs great cōnceyle by peticiō
shewed before thē. And if false iuge
ment be gyuen in the cite of Londō /
before the Sheryffes of the same cite /
thā shalbe a writte of errour be sent
to the Mayre & Sheryffes / that they
redresse the sayd iugemēt before thē
in the hustings nexte to come. And if
they do nat redresse the said iugemēt
thā shall there be certayne Justices
assygued by the kynges cōmissiō to
syt at saint Martines the great (by nī
si pñ) for to redresse the said iugemēt
And if the default be founde in the

Statuta brevitat. fo. 28.

Sayd Mayre and Sheryfe/they shal
be punysshed for theyr mispicion/by
ordinaunce conteyned in the statute
de Anno. 28. E. 3. Ca. 10. but in case
that false iugement be gyuen/before
the Mayre: than shalbe made one
compyssyon to certayne persones as
is sayd. And in case that a writte of
false iugement be retourned / before
the Justices of the comon baile and
the pte say that the recorde is other
thā the courte recorded the auctorite
shalbe receyued / and by those whiche
were present in the courte when
the recorde was made / if they come
with the other of the countre by the
retourne of the Sheryfe. And if they
come nat by thenquest taken by the
good countre. Ut p3 per Statutu inde
Anno primo. E. 3. Capl. 5.

Addition.

In a writte of Breane brought **A. 19.**
agaynst ii. brothers / the onc hath **E. 3.**
issue & dyeth / & iugement is gyue a-
gainst the other by his defaut / & the
issue & his vncle doth bring a writte
of error for that / that the sergnour

Natura brenium.

is departed betwixte males by bſage
and aſſigned for Erroure the death
of his brother at tyme of the iuge-
ment / and was awarded : that the
iugement be reuerſed / for that : that
the brother (in this caſe) may nat
haue a writte of dyſceyte for to re-
uerſe that : that was loſt / but onely
Daſſ : and this is erreure in dede.

Ex. 7.

Ex. 7.

One aſſigned erreure / that ſuche
a day there gente was awarded / re-
tournable ſuche a day / afore whiche
day the kynge dyed / and he was nat
but two tymes demaunded / in tyme
of kynge Edward the .iiii. and thre
tymes in tyme of kynge Ric the .iii.
and that was holden Erroure / for
that the writte abated in dede : by
the death of the kynge E. and that is
erreure i dede. And yet this bſawp
was nat boyde but erreure .

Ex. 5.

Ex. 7.

One aſſigned Erroure for as
moche as after the iſſue ioyned / and
afore the verdict his attourney was
deed : that was none erreur / for that
that by his death the writte abated
nat / nor the iſſue wayned / ne diſcon-
tynued : for that / that he may appeere

Natura brenunt. Jo. 19.

by a nother attourney / or in proper person. And also he shal nat say that his attourney was deed as the tyme of his ple/ for that: that it is against the recorde / but he shall say that a nother man of the same name appered/ without that: that the attourney was of lyue. And knowe ye that he may nat assygne Erroure but in proper persone.

¶ Erroure brought in the banke of the kynge of a iugemente gyue in a wytte of dower: and assygned for erreure/for that: that these tenantes in the wytte of dower appereth by attourney / where no warraunte of attourney was entred / and praye a wytte to certify: if any waraunte be or nat/ & was awarded that he shall nat haue advantage to assygne that for erreure. And diuersite taken be twayne erreure (whiche is mater in dede) and erreure whiche is mater of recorde. For if the parte one tyme sue one Scire fac / he shall neuer assygne erreure i dede after: for if after a Scire fac awarded/one wyl assygne erreure/ for to auoyde one vylabry/

H. 21.

C. 1.

Natura bzentum.

Quere. to say that he was in warre & practice
vnder suche a captayne: he shall nat
haue suche assygnement for it is er-
roure in dede / and nat parcell of the
recorde. And loke if one after the
Scire facias may assygue Erroure:
for to reuerse one btlawry / to saye
that he was nat but fourc tymes cal-
led: and pray a certification / quere
he shall haue oz nat for to certifye
therigente. &c.

R. 29.

E. 3.

In a Scire facias out of a recog-
nisaunce agaynst. vi. the sheryfes re-
toured that thze are deed / and these
other thze come by warnyng / and
aleged the dety of the other / and that
they; heyzes are within age / and
demasde iugement (if durpug they;
nonage) they shalbe put to answe-
re vpon whiche was awarded / that
the ple shall tary. And now the ple
was a writte of errour: and assy-
ned Errour for that / that by the re-
cognisaunce all. vi. were charged /
and eueryone of the hole / for the whi-
che whan these thze dyd come / execu-
tion agaynst the ought to haue ben
awarded. Another Errour was / to

Natura brenum. Jo. 30.

that/ that they aleged that the heyres (of the other thre) were within age. &c. whiche pleieth nat in theyr mouth; for that/ that they are strangers. &c. And for the fyfte Erroure was sayd / that the charge falleth equally vpon all these tenauntes in comon / and nat vpon one: for notwithstandinge that the landes of the one were liured. &c. He shalbe aided (vpon his suggestion) &c. And to the secōde Errour was said that a stranger may allege the nonage of an other/ and procces shall nat be made agaynst hym / in whome nonage is aleged (if it be nat trauctsed) And al was affirmed by iugement. &c.

¶ If a writte of Trespasse be brought agaynst many/ and some appere and pleede nat gilty: whiche are founde gilty/ and agaynst these other procces is sued.

¶ Quere: if these other whiche are founde gilty/ shalbe receiued to allege errour in the pces made agaynst the other/ whiche are seuered in procces.

¶ The executours of one mā brought a writte of Erroure of vllawry

Ed. 9.
H. 5.

Quere.

Pa. 11.
H. 4.

Natura brenium.
pronounced / agaynst the testatoure
in his lyfe / and for dyuers erroures
the vtilite was reuerfed at theyr
sute / and they restored to the goodes
of theyr testatoure.

**A writte of Dedimus potestatem
de attornato fac.**

**A writte
of Dedimus po-
testatem de
attornato fac. is
Curie.**

Rex balliuis suis de hūdro de
S. salutē quia per cōmune cō-
siliū regni nri Anglie prouisiū
est q̄ quilibet liber homo possit fac
attornatū suū ad loquelas suas pro-
sequendū et defendendū motas in cōm tē-
thingz hūdro wapētagiis et alias cū
que bñe nro / vobis precipimus q̄ at-
tornatū quē A. per litteras suas paten-
tes loco suo attornatū voluit ad loq-
las suas persequendū et defendendū motas
corā vobis in hūdro nro predicto lo-
co ipsius A. sine difficultate ad hoc
recipiatis hac vice de gratia speciali
teste. sz.

This writte of Dedimus potes-
tate de attornatū faciendū / lyeth
where a man is pledinge i the
couerte of the kyng / and may not



Natura breuium. **To.**

trauayle/ nor attende his ple/ for spe-
kenes or other busynes whiche he
hath to do: thā he may haue the said
writte directed to the sherife/ or to an
abbot/ or to a prioz/ or to a knyghte.
ē. to recozde his attourney. And if
shalbe cōmaunded in the said writte
that he (to whome the writte is di-
rected) retourne the sayd writte vnder
his seale/ and the name of the at-
tourney whiche is receyued/ that he
may be knowē in the kyngs courtte/
as it appereth in a certayne statute.

De libertatibus perquirēdis in fine.
And knowe ye that in euery ple of
lande/ and ple personall: aswell the
tenaunte as the demaundante/ may
make theyr attourneyes/ as the de-
fendaunte or the pleyntyfe/ and that
before Iustices (whiche hath power
to receyue attourneyes wythoute
writte) if the ple be before the in the
Chauncery: or other wyse / he that
wyl haue attourney/ may sue to the
kynges courtte / and purchase this
writte of Medim^o potestātē as afore
is said. And knowe ye that euery fre
ma/ may make his attourney aswell

Natura breuium.
to make sure in counte/hundred/or in
courte baron / as he may pursue or
defende/and that wyl the statute of
Marston . Ca. 9 . And also whan a
fre mā hath noted and ordayned his
attourney in any mater (as afore is
sayd) yet he may (if he wyl) the same
attourney remove & make a newe .
And knowe ye that no mā may make
attourney in appele / as it appereth
by the statute of Bloch . Ca. 8 .

An Addition .

An. 40.  Knowe ye that in appele of ro-
E. 3. bery/the defendante pleded nat gyl-
Li. 26. ty and was founde gilty / and after
verdite he sayd that he was clerke /
and the plentye sayd that he was
Bigamus. And for as moche as the
proces shalbe made to the bysshope
to certify : he was nat appeled vpon
the principall. In this case the plain-
tife was receiued to make attourney.
Pa. 3.  In appele / the defendante was
E. 4. acquyted/ the abbettours were iury-
red of : and A. and B. were founde ab-
bettours/ by whiche the defendante

Natura bzentum. Jo. 22.

prayed a distresse agaynst them/and
had it. And prayed also that he might
make attourney agaynst the abbet-
tours/ and so dyd.

☞ If the appele be acquyted by en- **Ed. 2. 11.**
quest/and the Justices hath enqur- **H. 6.**
red of the abbettours / whiche are
founde: and there is certayne mater
within the recorde that the Justices
wyl be aduysed of the iugement/the
appele shalbe receyued to make at-
tourney.

☞ Knowe ye/that a womā may be **Pa. 13.**
attourney for her husbante/by byll. **E. 3.**

☞ An infaute may nat be attour- **Pa. 1.**
ney/ ne make attourney. **H. 5.**

☞ Knowe ye/that thre thingz belō **Ed. 7.**
geth to the makige of attourney one **H. 4.**
is that the attourney wyl agre to be
attourney for the pte. And a nother
that the pte wyl haue him for his at-
tourney. And the thyrd/that the Ju-
stices wyl record hisname. And none
of the may be without the other.

☞ Knowe ye/ that it was said in a **Ed. 2. 11.**
writte of errour/brought of a false iu- **E. 4.**
gemēt gynn in the counte. &c. that in
every case (where the parte is for to

Natura breuium.

excuse hym agaynst the kynge of a
contempte) he ought to be in propre
persone/ and nat by attourney. For
it was sayd that where a prohibicio
was awarded out of the comon place
to the archdeake of E. for that that
by the surmyle of the parte / he shew-
wed howe an accion of that same
thyng was hangyng in the comon
banke/ and vpon that one attache-
ment : and a distres wente forth. &c.
for to answere to the cōtempt / and
the archdeake was charged at the
day of the distresse retourned / for to
come in propre persone/ for excusing
of hym selfe in that/ that he dyd nat
successe. And may nat be by at-
tourney.

¶ One whiche cometh in vpon an
Exigent (before ple pleded) wolde
haue made attourneye and myght
nat : Contrary lawe is / whan he
cometh in by supersedias.

Pa. 1.

H. 6.

¶ One attourney may plede mys-
namyng of his maister/ whiche sta-
deth with his warraunte. As if the
warraunte be J. S. polo suo. &c. He
may say that he is made knyght.

¶ Protectio cū clausula volumus.

R Ex oibus balliuis et fidelibus suis ad quos presentes littere peruenerint salutem. Sciatis q̃ suscepimus in protectionem et defensionem nostram dilectum et fidelem J. A. qui in obsequium nostrum et preceptū nostrum profectus est ad partes Scocie/omnes terras res redditus/et omnes possessiones suas. Et ideo vobis mandamus q̃ ipsum Johē terras redditus manu teneatis protegatis et defendat et omnes possessiones suas/non inferentes eis vel inferri permittentes iniuriā/molestiam/dampnum/aut grauamen. Et si quis eis faciat sine delatione faciatis emendari. In cuius rei testimonium has litteras nostras fieri fecimus patentes vsq̃ ad festum sancti Michaelis proximi futurū duraturū: volumus etiam q̃ idem J. A. iterum sit quietus de omnibus p̃sitis et querelis exceptis placitis de dote: vnde nihil habet. &c. Quare ipedit et Ass. de nouo diffie vltime presentationis et attinctis/et exceptis loquelis: quas

Protectio cum clausula volumus
is Suche

Natura breuium.

coram Justicijs nris itinerantib⁹ in itineribus suis sūmoniri contigerint s⁹ sent minime valiture / si contingant ipsum J. A. iter illud non arepi vel postq̄ extra terminum illū in Anglia redierit a partibus p̄dictis S. r̄.

Proteccio (cū clausula volum⁹) ly
eth in case where a mā passeth o-
uer the see i the kyngs service vn-
der any lordc / he ought to haue the
seale of his lordc (with whome he
went) or a byll dyrected to the gar-
dyne of the priue seale / for one suche
that wyll go with hym in the kyn-
ges seruices / and whā he hath a pri-
ue seale / he maye haue his p̄tection
on graunted of the Chaunceler. And
knowe ye / that euery man whiche
hathe the p̄tection (Cum clausu-
la volumus) shalbe acquyted of all
maner of p̄ces / excepte p̄ces of Do-
wer. Unde nihil habet / Quare impe-
dit / Assise de no. dis. vltime p̄sētatio-
nis / and excepte p̄ces whiche are so
moued before Justices in Eier. But
the p̄tection shall nat be allowed
before any iuge / for takynge of by-

Natura breuium. Fo. 26.

tayle / or byenge for the viage in the
seruice / wherof the protection ma-
keth mencion. The other wayes in
plees of Trespas / or Contract; made
or hadde / after the date of the same
protection / as well the statute. An.
primo Richardi secundi. Capi. Octa-
uo. whiche begynneth. Item assent.
et. And knowe ye / that in case that a
man purchase this protection / for to
delay any plece in dyscreyte of the par-
ty / or in any other maner / and he go
nat in the viage / after the maner of
his protection the partye deman-
daunte / or pleyntyfe / may haue one
Cercio:are out of the Chauncery / to
the sheryfe (where suche person dwel-
leth) for to certefy the kynge in the
Chauncery therof / whether he be
gone or nat / and thā if the sheryfe re-
tourne / that he is nat gone in the
viage / but dwelleth in suche a place
attendynge to his propre busynes /
the party pursuaunte maye haue a
patente (whiche is called Innotef-
simus) to all people for to adnull
the sayd protection / or other close
writte dyrected to the Mayres /

Natura,

E.ii.

Natura breuium.

daylyfe / or wherofes / comaundynge
them / that if the sayd proteccion be
shewed before the / or any of the / i de
laye or dystourbaunce of the demaun-
daunte / or pleyntyfe / they shall take
the sayd proteccion / and that sende
in to the Chauncery / for to be there
cancelled / and adnulled. And in the
same maner / shall the demaundaute
or pleyntyfe haue to the Iustices of
the comon banke or other Iusti-
ces that they shall surces to alowe
suche proteccions. And that they
shall sende the proteccion in to the
Chauncery as afore is sayd. And whā
any suche proteccion is shewed be-
fore the Iustices for to delay the par-
ty (as afore is sayd) than by the sta-
tute (de proteccionibus allocandis)
made in the tyme of kynge E. sonne
of kynge Henry the. 3. yere of his
reyn / is ordeyned certeyne maner
of proces / as appereth in the sayd
statute.

Addition.

 Knowe ye / that a pteccion (or

Natura breuium. Jo. 17.

profecturus) shall nat be allowed in any plc comensed afore the date of that (if it be nat in the viage where the kynge goeth hym selfe) or other viages royall / or in messages of the kynge for busines of the realme. An. .13. Ric. 2. Ca. 16. And where a protection shalbe allowed in viage royall here after appereth.

☞ In a Scire fac/to haue executiō of a fyne/the ternaunte sheweth a protection. Quia profecturus in comitiua: with the ptectour of the realme and was allowed/and if he go by cōmaūdemētē of the kynge in message &c. it shalbe allowed.

H. 3.
H. 6.

☞ In a p̄cipe q̄ reddat. A protection was shewed for one / whiche went with the Erle of H. in to Gascoyne/ and was chalenged for that/ that it was nat viage royall: and the commissiō of the Erle was shewed forthe / whiche wyl that the kynge made hym his lieutenaunte / & gaue hym power to ydon felony/ and treason/ and to enquyre of those whiche made resystence agaynst hym / and to make coyne. &c. And for that/that

Wa. 7.
H. vi.

Natura breuium.

he hath power to enqyre by special graunte/the ptection was allowed.

H. 8.

E. 4.

¶ In Dette the parties demurred in iugement/and the oppiniō of the court with the pleyntife / and the defendaunte prayed / that the iugemente myght be respited vnto suche a daye/and it was said by the court that if he shewed a p̄tection i the meane tyme/that it shall nat be allowed.

M. 11.

H. 4.

¶ A p̄tectiō was put before (q̄z profecturus est) i the company of T. the kynges sone in to Irelande/ and it was purchased hāgynge the writte wherfore it was nat allowed. For that/that it may nat be sayd voyage royall/without bryngynge the kynges hoste in to Irelande.

H. 8.

E. 4.

¶ But know ye/that after Moyle that a p̄tection of voyage royall in to Irelande / shall nat be allowed. For they are within the iurisdiction of the realme. Otherwayes is of Scotlande / therfore inqyre what the lawe is. But after Wiltton a p̄tectiō (Quia moratur super saluam custod) it shalbe allowed. The same

Natura breuium. Fo. 28.

lawe shalbe Quia moratur in partibus
bus walie but the boke is nat adiudged.

☞ In a Formedon / a Protection
shall nat be allowed / for the Barden
of prisons / whiche hath suffred men
that be condemned to go at large. A. 7. B.
. 4. ca. 4.

☞ A protection shall nat be allowed
in a Scire facias vpon a trauers of
office taken before the Eschetour / or
Comissioners / against any patete. An. 33.
B. 6.
Ca. 17.

☞ Knowe ye: that an infaute / a
woman couerte / or a monke / maye
shewe a protection. B. 21.
E. 3.

☞ Knowe ye: that it is sayd that if
twenty of a commynalty are by pro
tection / and i the seruice of the kyng
the Protection shall nat be allowed
for them alonely. For if. xx. of the co
mynalty be in seruice of the kynge /
natwithstādig that there be Mayre
and cōmynalty / yet the cōmynaltie
abydeth at home. B. 30.
E. 3.

☞ Knowe ye: that the defendaunte
(whiche wente to imparle) was de
maūded to come with his answere a
protection was put before: Quia p-
T. 39.
E. 3.

Natura breuitatis.

fectur⁹ est: welche was of older date
than was the imparlaunce / & that
natwithstandynge it was allowed.
Otherwayes shulde be if the p^{ro}tection
on had ben: **Q² moratur i obsequio.**
Knowe ye: that if there be more
in the p^{ro}tection / than in the writte
the p^{ro}tection shalbe allowed / but if
there be lesse in the p^{ro}tection / than
in the writte / it is nat allowable.

M. 8.
E. 3.

A. 19.
E. 3.

In apeale of Mayme a p^{ro}tection
was shewed for the defendaunte /
and natwithstandynge that / the plain
tiffe recovered nothyng but dama
ges / in this suite the p^{ro}tection was
disallowed.

¶ P^{ro}tection cū clausula nolum⁹.

**P^{ro}tec
tio cum
clausula
nolum⁹
is suche**

Rex omnibus balliis. &c. vt s.
salutem Sciatis: q^{uod} suscepim⁹
in p^{ro}tectionē nostram dilectū no
bis in Christo priorem de R. omnes
terras res redditus et omnes posses
siones suas. Et ideo uob^{is} mandam⁹
q^{uod} ipm priorem tras res reddit⁹ et oēs
possessi. suas manu teneatis p^{ro}tegat⁹
et defendat non infrentes eis vel in
ferri permittentes iniuriam aut gra
uamē: et si quod eis foris factum fue

Natura breuium. No. 29.

ut ad eis sine dilatione faccatis emē
dari. Nolumus enim: q̄ de bladīs/fe-
nis/carectis/cartagis/bouis/baccis/
vel porcis/ouibus/aut aliis anima-
libus victualibus siue ceteris bonis
et catallis ipsius prioris contra vo-
luntatem suam ad opus nostrū aut
aliorum per balliuos seu ministros
aut alterius cuiuscunq̄ quicq̄ capia-
tur: teste. &c.

This writte of p̄tection(cū
clausula nolumus) lyeth i case
where a man is in doute that
that the ministres of the kyng/oz of
any other/wyll take his corne/ hay/
horse/carte/oz suche lyke. And know
ye: that this p̄tection may be graū-
ted by euery mapster of the Chaun-
cery without priue scale.

A writte of ryghte(De aduo-
catione ecclesie)

Rex A. salutem. Precipimus
tibi: q̄ plenum rectum teneas
w. de A. de aduocatione eccle-
sie de A. quam clamat pertinere ad
ecclesie.
is. suche

A writte
of right
de aduo
catione
ecclesie.
is. suche

Natura breuium.

liberum tenementum suum : q̄ de te
tenet in L. per liberum seruitium
vnius denarii per annum pro omni
seruitio : quam J. de w. ei defor̄/ vt
dicit. Et nisi feceris vicecomes. &c.
ne amplius. &c. recti teste. &c.

¶ A nother writte that lyeth i the
comon banke.

¶ Rex viz R. salutem p̄cipe A. q̄
iuste. &c. reddat D. aduoꝝ ecclesie de
R. quā ei iniuste defor̄ vt dic̄. Et ni
si fec̄ p̄dict⁹ D. fec̄ te. &c. tunc sum.
&c. p̄dictum A. q̄ sit coram Iustic̄
nostris apud w. vt̄.

This writte of De aduocatio-
ne ecclesie lyeth where a man
hath ryght to aduowson/ and
the parson of the churche dyeth & a
straūger doth presente his clerke to
that churche/ & he which hath ryght
hath nat moued his acciō of Quare
impedit/ nor Darrecyn presentem̄te/
withi the. vi. monethes/ but doth suf-
fer the straūger to vsurpe vpon hym
thā he shal nat haue any other writte
than a writte of ryght of aduowson.
And this writte he shal nat haue (if

Natura breuium. **fo. 30.**

he clayme nat the aduowson to hym
and to his heyres in fee) And also he
maye haue a writte of ryght of ad-
uowson of the halfe / the thyrde pte /
or the fourth parte / as well as of the
hole (if he be deforsed) And knowe ye
that a writte of ryght (quod reddat
aduocationem decimatum (is nat
graunted by the statute of westm se-
conde. Capitulo. 5. whiche begyn-
neth. Cum aduocatio ecclesiar. &c.
whiche wyll / that if the parson of a-
ny churche by a writte of Indicauit
be distourbed to demaunde his dismes
his patronc shall haue a writte of
ryghte of aduowson to demaunde the
same dismes. But the writte of Indi-
cauit / lyeth of no lesse parcell / than of
the fourth parte of the churche: ther-
fore no more dothe this writte: but
yet after some men / the writte lyeth
of lesse pcell at the comō lawe. And
the pces in this writte is / Somous /
grande Cape / & petit Cape / after ap-
parance. And the pces agaynst the **Proces**
Iurc is the comon pces / venire fac /
habeas corpa / & distt. And knowe ye
if a man holde of the kyngc a maner

Natura breuium.

by graunde serianty/or by petyte serianty/vnto the whiche maner one aduowson is belongynge/ and he doth sell/or graunte/the aduowson in dismembraunce of the seignory / the kyng shal presente to the fyrst aduoydaunce after. 62.

¶ Addition.

Pa. 7.

E. 3.

Know ye: that a writte of ryght of aduowson/ brought by the kyng the defendaunte shal nat profer the halfe marke / ne iugemente fynall / shal nat be gyuen against the kyng.

Item

North.

And knowe ye: that in a writte of ryghte of aduowson/the ternaunte doth ioyne the myse/ and dayes gyuen to hym vnto the feaste of the purification of our blessed lady/ at whiche daye he cometh nat/ but cometh at the thyrde day after. Iugemente fynall was gyuen vpon the defaute.

Pa. 33.

E. 3.

But if the ternaunte in a writte of ryghte of aduowson do knowlege the ryghte of the demaundaunte/iugemente shalbe gyuen / that he shal recover the aduowson. And iugement

Natura breuium.

No. 31.

synall shal nat be gyue/for that that
the myse was nat iopned.

☞ A releas of the pleyntye selte /
or of a nother aunccster (by whome
the discente is nat made) is a good
barre/withont iopnyng the myse.

W. 17.
E. 3.

And iugemente synal shalbe gyuen.

☞ A writte: De assisa vltime
presentationis.

R Ex viā. Quidō salutem si A. se- A writte
ccrit te secut. &c. tunc sum. &c. De assis-
duodec liberos et legales ho- sa vlti-
mines de bescn de B. q sunt coram Ju me pre-
sti. &c. parit sacro recognoscere quis setatōis
aduocatus tempore pacis presenta- is luche
uit vltimam personam: que mortua
est ad ecclesiam de C. vel vltimum vi-
carium / qui mortuus est ad vicariā
de R. que vacat (vt diē) et cuius ad-
uocationem idem A. dicit ad se perti-
nere/et interim ecclesiam illam vide-
ant/et noia eorum in bti faē: et sum
B. qui aduocationem illam ei deforē
q tunc sit ibi audien illam recogniti-
onem et habeas ibi sum: et hoc bte
teste. &c.

Natura brennium.

Proces

This writte of (Assise ultime presentationis) lyeth where I / or myne auncester / hath presented our clerke to a church and after our clerke dyeth / so that the church is voyde / & a straunger doth present his clerke to the same church & doth disturbe me. Thā I shal haue this writte / or a Quare impedit at my pleasure. But the Assise is more better. For in Assise I clayme of my pper possession / or of the possession of myne auncestour. But in the Quare impedit aswel the distourboure / as I clayme the of the possession & ryght. And knowe ye: that where a man may haue assise of darreyn pntemēt he may haue a Quare impedit / but nat the contrary. And the proces is suche / Somōs resomōs againste the party / & agaynst the Jurroures / Somōs / habeas corpora / et distē. &c. And knowe ye: that i assise of darren pntemēt / & Quare impedit / a man shal recouer damagz: if. vi. monethes be past before his recouer: he shal recouer the value of the church by. ii. pces. And if he recouer before the

Natura brenium. Fo. 32.

.vi. monethes be past/ than he shall
recouer damages / that is to say / the
halfe of the churche for one yere.

And that wyl the statute of westm.
.2. Ca. 5. whiche begynneth (Cū de
aduocationib⁹ ecclesiariū) & i the said
estatute / are ordeyned. iii. writt; ori-
ginales of aduowsons of churches /
that is to say / a writte of right of ad-
uowson (whiche shalbe determined
by bataille / or graunde Assise) A writ
of darreyn p'sentemēt / & a Quare im-
pedit / whiche are of the possession.

And if any man (whiche hathe no
ryght to aduowson) do presente his
clerke in the tyme / that the aduowso
was to any gardeyne by reason of a
ny infauite / or in tyme of ternaunte
in dower / or by the courtesy / for ter-
me of lyfe / for yeres / or in taylor: yet
the statute wyl: that whā the church
falleth voyde / & they in the reuercion
after the deth of the sayd ternaūt; / or
gardeyne be dystourbed / they shall
haue theyr recovery by Assise of dare-
rcyn p'sentemēt: if the sayd aduow-
son be recouered agaynst the forsayd
ternautes and gardeyne / by iugemēt

Statuta breuium.

or inquisition / nat withstandinge
that the sayd tenauntes / and gar-
deyne hath sayntely defended theyr
plec : but the iugemente shall stande
in his force / vntyll suche tyme that
it be adnulled by iugemete i the kyn
ges courte by Error / Attaynte / or
by Certificacion / as the sayd statute
wyll. &c.

Addition.

Pa. 20.
E. 3. cl
M. 6.
E. 2.

Knowe ye: that in these cases / a
man shall haue assise of darreynne pre-
sentemete / though he that he / nor his
auncestours had nat the laste presen-
temente. As if I presente / and after
the churche falleth voyde / and the
Bysshope doth presente by Laps (or
dinary) I shall haue this writte / and
if my gardeyne do presente / I shall
haue an Assise of darreynne presente-
mente.

T. 18.
E. 2.

Knowe ye: that if the presete do
resygne / yet the writte shall say: qui
mortuus est.

M. 20.
E. 3.

Knowe ye: that the pleyntyfe
made this title / that he hi selfe was

Natura breuium. Fo. 41.

seyled & presented. &c. and the writte was Et sum B. q̄ aduocationē illā ei deforē. And the writte was chalēged / and nat allowed for that / that it is the forme of the Chauncery.

¶ A writte of Quare impedit.

R Ex viē Middō salutē. Precipe A. et B. q̄ iuste. &c. permittāt C. presentat idoneā personā ad ecclesiā de R. que vacat: et ad suā spectat donationem vt dicit et vnde querit q̄ predicti A. et B. eū iniuste impediūt: et nisi fecerint. &c. et tunc sum. &c. predicti A. et B. q̄ sint corā Justic. &c. tale die ostens quare non fecerint. &c. Et habeas ibi sum: et hoc breue teste. &c.

A writte of Quare impedit / is suche.

This writte of Quare impedit lyeth where a man hath purchased a maner / to the whiche maner one aduowson is belōgyng / the person dyeth / a straunger doth present his clerke: thā he shall haue the sayd writte / and nat assyse of darre nye presentemēt. And the pces is

Natura.

F. 1.

Proces

Statuta breuium.

In this writte / as in assise of darrein-
presentement. As is conteyned i the
statute of Marl Ca. 12. Somons/
Attachemēt/ and one Distresse/ and
if the parte defendante come nat at
the distresse/ than the pleyntyfe shall
haue a writynge to the bysshope / of
the place / that he may accepte his
clerke to the sayd churche / sauyng
to the defendante a nother tyme his
ryght (if therof he wyll cōpleyne)
And knowe ye that in Assise of dar-
reine presentement / and in a writte
of Quare impedit daies shalbe gyue
fō .xv. to .xv. And from thre weekes
i to thre wckys/ as the place is distāt.
And that wyll the statute aforesaid.

¶ Addition.

**H. 19.
E. 3.**

Knowe ye that if a Quare impe-
dit be brought agaynst the bysshope
and a straūger/ and the bysshope dis-
claimeth saue onely as ordinary and
the other sayeth that he is persone
in pson of collatiō of the bysshope.
In this case the writte shalbe awar-
ded to the metropolitane and nat to
the bysshope.

Natura breuium. fo. 42.

Knowe ye that a Quare impe-
dit was brought agaynst a prior as
patron/ and onc A. as Incombēt/ &
hangyng the writte the patron died
yet the writte was maynteynable/
agaynst the Incombent alone.

M. 9.

H. 6.

Writte of Ne admittas.

Rex. &c. Venerabili in Christo
patri eadem gratia R. episco-
po salutē. Prohibemus vobis
ne admittas psonā ad ecclesiā de R.
q̄ vacat (vt dicitur) et de cui⁹ aduoca-
tione cōtentio mota est in curia nra
inter A. et B. donec discussū fuerit ī
eadem curia / ad quē eorū pertineat
eiusdem ecclesie aduocatio : testē. &c.

A writte
of Ne ad-
mittas :
isliche.

This writte of Ne admittas ly-
eth where one man impledeth
a nother by a Quare impedit
or by Assise of darrecyn presentement
in the kynges courte. Than if the
pleyntife suppose that the bysshope
wyl present the clerke of the defen-
dante (hangyng the ple betwyte
them of the sayd churche) he may
haue the sayd writte directed to the
Natura.

f. 11.

Natura breuium.

bisshope prohibyng hym/ that he
pzeſent no clerke to the ſaid churche
before that it be diſcuſſed betwixte
them: who hath right to the ſayd
churche to pzeſent. But if they be in
ple/ and the pzeſetation nat diſcuſſed
nor no recouery within the. vi. mo-
nethes/ thā the byſshope ſhall pſente
by Waps/ if the pleyntyfe recouer/ he
ſhall recouer damages. As is cōtē-
ned in the ſtatute of weſtm. 2. Ca. 5.
And the pces is one prohibitiō/ and
vpon the prohibition attachment /
and a diſtreſſe. And knowe ye that if
the defendauite (in a Quare impedit)
come nat at the diſtreſſe. Than the
pleyntyfe ſhall haue a writte to the
biſshope / that he ſhall accepte his
clerke to the ſayd churche. Sauyng
a nother tyme the ryght of the defe-
daute. &c. and this writte ſhal be Ju-
diciall. And is ſuche.

R Ex. &c. venerabili vt̃s: ſalutē.
Sciatis q̃ cū B. i cū nra. &c.
recuperant pſentationē ſuā
verſus E. ad eccleſiā de R. q̃ vacat
per defaultā ipsius E. Et ideo vobis

Proces

Natura breuium. No. 43.
mandam⁹ / q^d nō obstante reclama^z
predicti C. ad presenta^z predicti B.
ad ecclesiam idoneam personam ad-
mittatis teste. &c.

¶ A writte De Quare
non admisit.

R Ex bic. &c. salutē. Si A. fece-
rit te secutū de clam. &c. tunc
sum. &c. B. Wigcoln episcopū
q^d sit coram Iustic. &c. ostensū quā
cū idem A. in curā nostra corā p^refat
Iustic nostris recuperasset v^lus C.
p^resentē suam ad ecclesiā de J. per re-
cognitū assie vltime presenta^z ibi in^t
cos captam / p^ropter q^d mandamus
eidē ep^o: q^d non obstante reclama^zōe
predicti C. ad presenta^z ipsius A. ad
ecclesiam predictam idoneam perso-
nam admitteret idē ep^s W. clericum
predicti A. per ipsum presentatum
ad ecclesiam predictam admittere re-
cusavit in nostri ac mandatorū nos-
trozū contemptum / et considerē curā
nostre predictae lesionem manifestā :
et habeas ibi sum et hoc breue teste.
et cetera. .

T. 19.
E. 3.

Natura breuium .

This writte lyeth where a mā hath recovered one aduowson of a churche / and he doth sende his able clerke to the byshoppe for to be presented to the said churche / and the byshoppe wyll nat hym receyue : thā he (whiche hath recovered) shall haue the said writte. And this writte is a writte of Contempt & al tymes is iudiciall and goeth out of the rolles of the Justices: but in tyme of vacation whan the courtte sytteth nat / than it shalbe made in the chauncery.

Proces

And the proces is Attachement / and distresse. And a Quare non admisit pro rege: hath ben made and ensealed by some men without makynge mencion of any recovery befoze made. And yet it is by the prerogatyue of the kyng.

An Addition .

An. 38.

9. 6.

¶ Knowe ye that this writte shalbe brought in the counte where the refusal was made: for that / that he shall recouer nothyng but damages and nat the presentment / otherwys

the writte shall abate. But a Quare
impedit shall be brought in the coun-
te where the church is : for that /
that he shall recover the presen-
ment / and that is the diuersite. And
if the bishoppe admitte hym & make
lettres to the archedeake to inducte
hym / the bishoppe is excused though
that the archedeake refuse to inducte
hym. And he is put to sue agaynst
the archedeake in courte Cristiane
for that is a thyng spiritual. And
it is a good ple for the byshoppe / to
say that he hym admitted / and made
lettres to the archedeake for to in-
ducte hym without sayenge that he
hym inducted.

M. 13.

E. 3.

And if the writte / to admitte his
clerke be directed to the bycare gene-
rall and he refuse / yet the Quare no
admisit shall be brought agaynst the
byshoppe.

M. 15.

E. 3.

The byshoppe refused to receyue
a clerke / and dyed : by whiche one
prayed a writte agaynst the arche-
bishoppe of Caunterbury gardeyne
of the spiritualtes / & to hym it was
denyed. But a writte was graunted

Natura breuium.

to hym agaynst the gardeyne of the
spiritualites : but nat agaynst the
archebisshope for that / that the fyrst
writte was nat directed to hym.

**A writte of Quare in-
cumbrauit.**

**A writte
of quare
incumbra
uit / is
suche.**

R Ex viē A. Salutē. Si A. fecerit
te secut. &c. tūc sum. &c. B.
Lincoln episcopum : q̄ sit co-
ram Iusticiē. &c. ostensit quare cum
idem A. in curia nostra coram prefatis
Iusticiis nostris recuperasset pre-
sentationem suam ad ecclesiā de J.
per assisam vel recognitionē vltime
presentationis iterum inter eos capē
idem tū episcopus pendente p̄lito in
prefata curia nostra coram Iusticiis
nostris super captione vltime presen-
tationis predicte / ecclesiam predic-
tam incumbrauit in ipsius A. p̄iudiciū
non modicum et grauamen et
contra legem et consuetudinē regni
nostri. Et habeas. &c. teste. &c.

This writte lyeth where there
is. ii. pledinge for the aduow-
son of a church / & hanginge

Natura brenium. Jo. 45.

the ple the bishope ſente one of his
clerkes within the vi. monethes to
the ſayd churche: than he that hath
recovered ſhall haue this writte a-
gaynſt the biſhope. And knowe ye
that this writte lyeth nat / but han-
gynge the ple: for if it be out of the
ple / and I ſende my clerke to the biſ-
hope for to be of hym accepted. And
he hym refuſe / and preſent one of his
owne clerkes: than I ſhall haue a
Quare impedit / or Darreyn preſen-
temēt as my caſe lyeth / and nat the
Quare incumbrit. And the proces
is Somons / attachment / and diſ-
treſſe. And knowe ye that what a
Quare impedit / or aſſyſe of darreyn
preſentement is brought agaynſte
the biſhope / as diſtourboure of ad-
uowſon of a churche / the byſhope
may nat preſent bycauſe of Laps af-
ter the terme of vi. monethes vnto
the ple be determined betwyte him
and the pleyntyfe.

Proces

*** Addition.**

Knowe ye that after the ſaynge **M. 31.**
of Ston that a Quare incumbrit **E. 3.**

Natura brenium.

M. 18. **E. 3.** Ipey nat / but where a Non admit-
tas is directed to the bisshope hang-
yng the writte.

M. 17. **E. 3.** And note ye that this writ shal-
be brought alwayes in the comon
banke: for that/that it is comō plc.
In a Quare incumbraunt it is no
ple to say / that there is no suche re-
corde here/nor it is no ple to say that
the recorde is sued in to the kynges
benche and errour assygned.

E. 21. **E. 3.** Knowe ye that a Quare incum-
braunt shalbe awarded agaynst the
bisshope where he incumbreth withi
the tyme of .vi. monethes natwith-
standyng that no accion was pur-
chased before.

A writte of Prohibition.

**A writte
of Pro-
hibition
isliche.**

R Ex archiepiscopo Cantuē / et
cius cōmiss salutē. Prohibi-
mus vobis ne teneatis p̄litū
in curia Cristianitatis de catallis vel
debitis vnū A. queret q̄ E. trahit
eū in p̄litū in eū Cristianitatis corā
vobis nisi catalla vel debita sint de
matrimonio vel de testamento / quis

Natura breuiunt. fo. 48.
placita de catallis et debitis q̄ nō sūt
de testamēto vel de matrimonio spec
tant ad coronā et dignitatē nostrā /
teste. &c. Eodem modo fiat alia pro
hibitiō parti ne sequatur mutatis mu
tand.

Rec. &c. venerabili in xpo. &c. vel e
ius offic / ac eorū cōmissarū salutē.
Prohibemus vtr̄q; de aduocatē ecclesie
de R. vel medietatis vel tertie ptis /
et vnde B. et C. vroz eius quere q̄
T. episcopus de L. trahit eos i plito
coram vobis in cur̄ cristianitatis / q̄
placita de aduocē ecclesiarū spectant
ad coronam. &c.

This writte lyeth where a mā
is impleded i courte Cristiane
of thynges / whiche toucheth
no maner of matrimony / nor testa
ment. But suche thynges / whiche
toucheth the crowne of our soue
raygne lord the kynge / as Dette/
Trespasse / or of any suche lyke / whi
che shalbe pleaded in the kynges
courte / than he may haue the sayd
writte directed to the ordinaries /
and officers / or cōmissioners of the

Natura brenium.

Proces

sayd courte Christiane/ the coman-
dyng to cease theyr ple. And also
knowe ye that he may haue as well /
a prohibition to the sheryfe/that the
party shall nat pursue/ as to the offy-
cials or comissars. And the proces
is in this writte / the Prohibition.
And if the parte sue forth the ple in
courte Christiane notwithstanding
the prohibition. Than shall go out
of the Chauncery one attachement.
And this attachement is retournable
(if he cease nat) than shall go the
distresse.

An Addition.

An. 13.

H. 6.

Note out of what courte a man
shall haue a prohibicion/ and attache-
ment vpon a phibicion. In a writte
of trespassse brought in the comon
place/ the parties beinge at issue/ and
hangynge that issue / the pleyntyfe
sueth in courte Christian/ the defen-
daunte shall haue a prohibition out
of the same place.

R. 2.

E. 4.

In a Quare impedit brought
by the kynge agaynst the persone of
R. For that / that he hym distour-
bed to present to the vicarage of the

Natura bzentum. fo. 47.

same church / and before that the
writte was returned / the persone
hath sued a **Sitacion** agaynst the
presente of the kynge / and he praid
a prohibition. And to hym it was
graunted by the iustices of the comō
place.

☞ If a mā make an othe to enscfe
me of his lāde: if I sue hym i courte
Cristiane: **pro lacione fidei** / he shall
haue a prohibition agaynst the ptye
and the iuges also. And if a man and
his wyfe do sell lande (whiche is of
the ryght of the wyfe) and the wyfe
is sworne that she shall nat sue the
Cui in vita. And after the deth of
her husbāde / she bryngeth her **Cui**
in vita : and the other sueth her in
courte **Cristiane** / **pro lacione fidei** :
she shall haue a prohibition.

T.ii.

E.4.

☞ Knowe ye that if a man be sued
in courte **Cristiane** / of cōuenaunte
broken without specialte / or excu-
tours are sued / for a symple cōtracte
made by theyr testatoure. A probi-
bicion shalbe awarded / and yet the
pleyntife hath no remedy by the co-
mon lawe.

M.ii.

E.4.

¶.19.
¶.6.

Natura breuium.

Knowe ye if the baillyfe i courtte
baron holde ple aboue. xl. s. the de-
fendaunte may haue a prohibition:
if one swere vpon a boke to paye cer-
tayne money / at a certayne day / and
at the day he payeth nat the money /
and the other sueth hym in courtte
Cristiane: Pro lesione fidei / he shall
haue a prohibition. &c.

A writte of Inducant.

A writte
of Indu-
cant is
suche.

R Ex iudici tali / et eius officii vel
eius commissarii salutem. indica-
uit nobis A. cum B. teneat eccle-
siam de C. de aduocatione sua W. cle-
ricus clamans quartam partem eiusdem
ecclesie de aduoc. E. R. trahit cum
inde in plitum coram vobis in curia cris-
tianitatis quod vero manifestum est quod
predictus A. iacturam sue aduocac. in-
curreret / si predictus W. in placito illo
eam illam optineret / vobis prohibe-
mus ne plitum illud teneatis in curia
cristianitatis / donec discussum fueris
in curia nostra ad quem illorum per-
tineat eiusdem ecclesie vel capelle ad-
uocac. / quia placita de aduocatione

Natura breuium. No. 48.
ecclesiarum spectant ad coronam et
dignitatem nostram: teste. &c.

This writte lieth where debate
is betwixte. ii. clerks i courte
cristiane: of a churche / or of
parte of a churche / or for dismes /
whiche amounteth at the lest to the
bery value of the fourth parte of a
churche / or to a greater parte / as
the secōde parte / or thyrde parte thā
for that / that the patrō of the clerke
defendaunte shall lose his aduowson
(if the clerke of the pleyntyfe reco-
uer in courte Cristiane) and the
pleynte of the aduowson of the dys-
mes whiche amounteth at the lest to
the fourth parte of the value of the
churche belōgeth to the courte of the
kyng / & may nat be gayned ne losse
in courte Cristiane / for that cause
the patron of the clerke defendaunte
shall haue in the Chauncery the said
writte of Indicaunt / directe to the
clerke of the pleyntyfe / or to the of-
ficers of the courte Cristiane / com-
maūdyngē thē to cease theyr ple and
pursue vnto that it be discussed i the

Natura bregium.

Proces

kynges courte to whome the aduow-
son belougeth. And knowe ye that
the statute of westm̄ seconde Ca. 5.
whiche beginneth Cū de aduocatio-
nibus ecclesiarū. &c. in the ende of the
sayd statute is resyted: that if the pa-
tron of the clerke pleyntyfe be suche
maner distourbed / he shall haue a
wytte of ryght De aduocatione deci-
marū. And whan the aduowson is
discussed in the kynges courte / than
the p̄lce shall proccede in the courte
Cristiane. And the proces is / as in
a prohibition: for it is a prohibition
in it selfe. And knowe ye: that a
wytte of Indicauit shalbe betwyxe
four persons / two shalbe patrons /
and two shalbe clerkes / wherof the
one clerke claymeth / to holde the
churche / or parte of the churche of
the aduowson of one patron / and the
other clerke of the aduowson of the
other patron / and if the dismes of
the aduowson be demaundaunte in
courte Cristiane: and the dismes be
nat to the valure of the fourth parte
of the churche: than the prohibiciō
shall haue no place. And knowe ye /

Natura breuium. fo. 49.

that this writte is nat retournable/
but if they cease nat in theyr pursute
he shall haue one attachement / and
after the attachement retourned /
the distresse shall go out of the rolles
of the Iustices.

An Addition.

Knowe ye that if an abbot be p-
son/in pson of the church of Dale/
and he demaundeth the fourth parte
of the dismes agaynst one A. person
of the same church whiche is in / of
the presentement of a straunger. In
this case the person and his patron/
shall haue the Indicaunt. And yet
they are but thre persons in all. And
if a man hath iugement to recouer
dismes amountyng to the valure
of the fourth parte/and sentence dif-
finitive is gyue/and the defendante
appeleth to the courte of Rome / by
whiche the pope doth sende a dele-
gacy to certayne persons / and they
make subdelegacy. In this case the
parte shall haue the Indicaunt to
the iuges subdelegacy.

**M. 11.
E. 4.**

Natura.

B. i.

p. 31.
p. 6.

Natura breuium.
Knowe ye that before the Libel
be put in/ in courte Cristiane/ he shal
nat haue the Indicaunt / and it beho-
ueth to hi that wyl haue the Indica.
to shewe the libel to the chaunceller.

A writte of Consultation.

A writte
of Cōsul-
taciō is
suche.

Rex Iudici tali salutē. Ex par-
te w. de h. persone ecclesie de
h. nobis est ostensū / qd cū ip-
se nupet petierit cōt vobis in curia
Cristianitatis versus J. de A. et C.
de J. executor testis B. defuncti scdm
melius auerū : quod fuit eiusdē B.
nup perochiani dicte ecclesie defuncti
nōse mortuati dicte ecclesie debet / ac
prefat executor pcessū pñti predicti co-
rā vobis inchoati fraudulenter ma-
chinantes impedire asscētēs q pla-
citum illud in curia cristianitatis de
catallis et debitis / q non sunt de tes-
tamento vel matrimonio quandam
prohibitionem nostram ne placitum
vobis dirigi pro cū cuius prohibitio
nis pñtū in causa illa hucusq pro-
cedet distulistis et ad huc desertis in
ipsius w. et ecclesie predictae graue

Natura breuium. fo. 50.
preiudicium et in habendationis pe-
riculum manifestum/et quia in arti-
culis prefatis prelati et cleri nostri
per nos nuper concessis plenius
continetur / q in decimis / oblatio-
nibus mortuariis / qñ sub istis nomini-
bus proponatur prohibitioni nostre
non est locus vobis significamus / q
in causa predicta si vero demortuari
agatur (vt predictu est) tunc non ob-
stante prohibitione nostra ulterius fa-
cere poteritis / q secundum formam
ecclesiasticam fore videritis facien-
dum : teste. &c.

Ad this writte lyeth in case/
where a man is impleded in
courte Crisiane/ of thynges
whiche toucheth testamente/ or ma-
trimony / and the defendaunte doth
purchase a prohibition in the Chaũ-
cery/ directed to the ordinarie/ cō-
maundyng them to cease of theyr
ple and pursute / by force of whiche
prohibition/the ple is extinguished/
than the pleyntyfe shall come in to
the chauncery/shewyng the cōpy of

Natura.

B.ii.

Natura breuium.

theyr ple contained in his byll to the
Chañceller / and than he shall haue
the sayd writte directed to the ordi-
nary befoze sayd / cōmaundyng the
to pursue forth in the ple / natwith-
standyng the prohibition befoze to
them directed. And knowe ye that a
cōsultacion lyeth euer for the pley-
tyfe / that fyrste moueth the ple in
courte Christiane.

**A writte of vi laica
remouenda. .**

A writte
of vi lai-
ca remo-
uenda / is
suche .

Rex viē salutē. Precipimus ti-
bi qd vñ laicā & armatā qd B.
tenet in prebenda A. de C. in
ecclesia de C. ad pacē nram pertur-
bendam sine dilatione amoueas ab
ead / et si qd tibi resistētes inueneris
tūc assūpt tectū sufficē posse cōm tui si
necesse fuerit / et eos per corpora sua
attach. et in prisoña nostra saluo cu-
stod / ita qd hēas corā nobis. &c. vbi-
cūq. &c. ad respond nobis de contēp-
tu / et recessina sup dictis. Et habcas
ibi hoc breue : teste. &c.

This writte lyeth where debate is betwixte two persons for a churche / & the one doth entre in to the churche with greate power of ley mē / and doth holde the other out with force : than he (that is holden out) shall haue a writte directed to the sheryfe / that he remoue the great power of ley men (whiche is within the churche) and it shalbe cōmaunded to the sheryfe / that if he fynde any men makynge resistance / that he shall take with hym the power and ayde of his counte. And all they that dyd resist / shalbe attached by theyr bodyes / and put them in to pryson untill they come before the kynge at a certayne day / to answer of that contempte . And this writte is retournable / and shal nat be graffed before that the byshoppe of suche a place / or suche a churche hath certified in the Chancery by his writte of suche resistance. &c.

¶ A writte of Excommunicato
Capiendo . .

A writte
of exco-
munica-
to capi-
endo is
suche.

Natura breuium.

Rex viē salutem. Significauit
nobis J. venerabilis pater L.
epus per litteras suas paten-
tes/ qd R. propter manifestā contu-
matia suā excoīmunicat⁹ est/ nec vult
per censurā ecclesiasticā iustificari/
qz vera potestas regia sacro sancte
ecclesie in querelis eius de esse non de-
bet/ tibi precipimus qd predictū R. p
corpus suū secundū cōsuetudinē An-
glie Iusticiā donec sancte ecclesie tam
de contemptu quā de iniuria ei illata
ab eo fuerit satisfactū: teste. &c.

And this writte lyeth where a
man is excoīmenged/ by the
bisshope/ and if he wyll nat be
iustified by his ordinary. Than the
bisshope shall sende his lettre patent
to the Chaunceller rehersyng the
excoīmengement. And than shalbe
cōmaūded (to the sherife of the same
counte) to take the body of hym that
is cursed: and by his body he shalbe
chastised vntyll he submitte himselfe
to the ordre of holy church / for the
contēpte and wronge by hym done
And this writte is a Iusticiis. And

Natura brenium. fo. 52.

if the Sheryfe wyll nat make executi-
on of the sayd writte / than shall go
out a Sicut alias / and pluries.
And after attachement / as in a Rec-
pleyn. And knowe ye / that if he
that is excōmenged hath made agre-
ment / as well for the wronge / as for
the cōtempte made to holy church.
Than the byschope shall sende his
writte to the kynge / certefyng by
the same writte that he hath made
agreement with holy church for the
contempte. Than shall be cōman-
ded to the Sheryfe of the same counte
by a writte *De excōmunicato deli-*
berando : that he shall delyuer that
same man (whiche is in suche ma-
ner imprisoned) &c.

A Addition.

Knowe ye / that a certificate A. 30.
made (by these persones of any excō E. 3.
mengement) is of no valur. If the Li. al.
certefye excōmengement by
his lettres / it is nothyng to the
purpose.

Natura breuium.

I. 7.

E. 4.

¶ The same lawe is / if the commissary of the bisshope certefy excomen-
gement. But if it be certefyed by the
archedeaken of Richemonde or by
the deane and chapitoure of Can-
terbury / in tyme of vacacion it shal
be allowed.

¶ 20.

E. 3.

¶ 12.

E. 4.

¶ But if the Deane of saint Mar-
tins / or abbot of saint Albons / or
other lyke whiche are persons exēpt
of euery ordinary iurisdiction) cer-
tefy excomengement / it is nothyng
to the purpose / nor of no valure.

¶ 33.

E. 3.

¶ The same lawe is / if a bysshope
certefy excomengement made by a
nother bysshope.

¶ 8.

E. 2.

Itē cāz.

¶ 30.

E. 3.

¶ And if the bisshope be dedd (be-
fore that the lettre of the certeficatiō
be shewed) it is voyde.

¶ The bailyses and comunalty of
L. brought a writte of rescusse. &c.
and shewed all the mater (as appe-
reth in the case) &c. And the defen-
daunte sayd / that at the tyme of the
writte purchased / one J. and W. was
bailyses / and sayd that they were ex-
comenged / and shewed the lettre of
the bysshope testefyenge the same /

Natura breuium. Jo. 53.

and for that / that the writte is take
by the baillyfes and comunalty with
out namyng any persone by propre
name / and the lettre of the bysshope
proueth nat for what cause / the pley
tyfe nor any of them are excōmen-
ged. &c. the defendaunte was awar-
ded to answere ouer. &c.

¶ In Trespasse the defendaunte
said that the pleyntyfe shal nat be an-
swered for that / that he is excōmen-
ged. And shewed the lettre of the bis-
shope of N. testefyng the same /
whiche was red. &c. &c. (if he haue a
lettre of absolution) if this writte
shal abate or no / it is said that it shal
nat abate. But the iugement shalbe
that the defendaunte shal go to god
and the pleyntyfe shal nat be amer-
ced / but of vtlawye otherwyse is / as
it is thought : for there the writte
shal abate .

An. 7.

B. 2.

Quere.

¶ Assise brought by a Bardeyn of
an hospitall / agaynst the archebis-
shope of E. and W. p. and they al-
leged that the pleyntyfe is excōmen-
ged / and shewed a lettre of the same
archebishope (whiche proueth that

M. 8.

E. 3.

Statuta breuium.

he is excomenged) at the instaunce
of w. p. and for that/that w. p. and
the archbischope are parties to the
assise they were charged to answer
ouer.

**A writte of Excomunicato
Deliberando.**

**Writte
of exco-
munica-
to delibe-
rando/ is
suche.**

R Et venerabili. scilicet. episcopo sa-
lute. Ostens est nobis ex pte
M. quod cum ad denunc vestra
ipsum per vic nostrum L. tanquam exco-
municatum clauos ecclesie contempnens
tem/precipimus Iusticiari. Et eidem
in sub cautione idoneum absolutionis
benefitium J. petierit vos ipsum contra
iusticiam ad hoc admittere recusatis.
Et ideo vobis mandamus/ quod ipsum
M. cum cautione huiusmodi absolu-
tis alioquin quod nostrum est in hac pte
exequemur: teste. scilicet. Alit.

R Rex vic salute. Cum A. de B. que
ad denuntiationem episcopi venera-
bilis. scilicet. tanquam excomunicatum per cor-
pus suum secundum consuetudinem Anglie
parte iustificari/ precipimus/ donec
sancte ecclesie tam de contemptu quam
de iniuria ei illata ab eo esse satisfacti

Natura breuium. fo. 54.

et iam ab episcopo ipso absolutionis
benefitiū in forma iuris meruerit op
tinere/ sicut idem episcopus per let
teras suas patentes nobis significa
uit. Tibi precipimus/ q̄ ipsū A. a pri
sona / qua detinetur / si ea occasione
et non alia detineatur in eadem sine
delatione deliberari facc̄: teste. &c.

This writte is/ as a Justicies/
and if the Sheryfe make nat ex
ccution of this writte/ he shall
haue Sicut alias / & Pluries. And
knowe ye / that whan a man hath
contynued in sentence by .xl. dayes /
and the bisshope hath sct̄e his writte
to the kyngs court̄e that he wyll nat
be recōfild by the ord̄e of holy chur
che/ the kyng shall sende to the she
ryfe that he be taken/ and put in pry
son vntyll suche tyme/ as he wyll be
obedient agayne to the lawe of ho
ly churche. But if the excōmunge
(after that he be in pryson) suffre suf
ficient payne/ to be vnder the tuiſſid̄
of holy churche/ if the bisshope refuse
suche satisfaction/ he shall haue this
writte to be deliuered out of pryson. &c.

Natura breuium.

A writte of Juris
vtrum. .

A writte
of Juris
vtrum / is
suche.

Rex vitz A. salutē. Si A. per-
sona de B. vel sic: Si B. prior
ecclesie beate Marie de A. per-
sona ecclesie de B. fecerit te. &c. tunc
sum. &c. xii. liberos. &c. de visu de C.
sint corā Iusticiis nris ad priu. ass. &c.
vel corā Iusticiis nris apud W. tali die
pati sacro recogn. vtrum vnu mcs. cū
ptin. in C. sit libera elemosina ptin.
ad ecclesiam ipsius A. de B. vel ipsius
prioris de B. aut laicū feodū J. vel
sic vtrum sic libet elemosina ptin. ad ec-
clesiam vel ad capellā aut. &c. Et inte-
rim mcs. illd. videant et noia corū i
bri fac. et sum. per bonos sum. predic-
ti J. que mcs. illd. tenet q. tunc sit
ibi auditurū illā recogn. Et habeas
ibi sum. et hoc breue teste. &c.

This writte lyeth / whan the
ryght of any churche is alie-
ned and holden in lay fee / or
translated in the possession of any
other churche: and if the alpenoure
dye / than his successoure shall haue
the sayd writte. And knowe ye that

Natura breuium. fo. 55.

no man whiche hath couent or couens
seale may maynteyne this writte.
But a writte of entre: *Sine assensu*
capituli / of the alienation made in
tyme of his predecessoure / as appea-
reth clerely by a plei Anno. 15. E. 3.
where the gardcyne of the hospitall
of S. praid in ayde / of the bisshope
of S. and had no ayde / bycause that
the hospitall hath couent seale. And
knowe ye / that no man may vse a
writte of *Ultrā* / if he be nat named
person. But nowe by the statute of
E. the thyrde / Anno. 14. Ca. 16. whi-
che begynneth. *Item est assent et es-*
table que vicaris. Gardens del cha-
pell / prouostes de Chaunceries ppe-
tuelz purront vser cest bñe d'utré / des
terres au tenement. &c. And also J.
de B. Gardcyne of the hospital of S.
brought a writte of *Ultrā* the same
yere / and was maynteyned thowgh
that the statute aforesaid maketh no
mencion of gardcyne of hospitalles
but that was maynteyned bycause
it was in lyke case. And knowe ye /
that the statute of westm. 2. Ca. 24.
whiche begynneth. *In quib⁹ casib⁹*

Statuta breuium.

conceditur bre in Can. &c. in whiche
statute is cōteyned this clause. Eod
modo / sicut conceditur bre vtrū ali
quod tenementū sit libera elemosi
na alicuius ecclesie / vel laicū fecerū
tal' de cetra fiat breuc. &c. And this
writte was nat graunted / but there
where the almes of any churche was
translated in to lay fe. Nowe it is
ordeyned / in the foresaid statute of
westm. 2. that it shalbe graunted /
aswell there / where it is translated
in to the possession of any other chur
che / as there where it is translated
in to lay fe. And the proces is suche
in this writte / somons / and resomōs
agaynst the partye. As in assise of
mortdauncestre / and agaynst the in
rours / somons / habeas corpora / and
distresse. And in this writte shalbe
gyuen the same dayes / as are gyue
in assise of darreyn presentemēt / and
Quare impedit. As it appereth by
the statute of Mar' Ca. 12.

Proces

*** Addition.**

**H. 19.
R. 2.**

Knowe yethat a reconery i assise
agaynst the pleyntife selfe / is no

Natura brenium. fo. 56.

barre: for that / that this is his writte
of right / and the ple is nat but to the
Jury / otherwys is / if he had sayd
ouer / & the state of the pleittifemeane.

¶ If the tennaunte plede a recovery **R. 7.**
in a Cessant / that is no barre / for **H. 4.**
that / that the right is to be tryed /
but he shall cōclude / and so lay fe.

¶ Knowe ye that if a man recover **R. 8.**
in a writte of right agaynste a pson / **E. 3.**
in whiche ple he hath nat prayed in
ayde of his patron / in this case his
successoure shall haue a Juris vtrū:
and the recovery i the writte of right
shall nat barre hym.

¶ In a Juris vtrū brought by a p- **R. 8.**
son of a chapel / the writte was mai- **E. 3.**
tyned for hym: for that / that he
toke his tyle by presentement / and
Institution / as a pson of a churche.

A writte of waste.

Rex vic salutē. si A. fecerit. et.
tūc sum. et. B. q. sit. et. ostend
quare cū de cōi consilio regni
nostri Anglie prouisi sit q. non lice-
at alicui bastū / venditionē / seu des-

**A writte
of waste
isliche.**

Natura breuium.

structionē facere de terris / domibus /
boscis / seu gardinis sibi dimissis ad
terminū vite sue vel annorū / id B. de
domibus / boscis / et gardinis / vel sic
de domib⁹ / boscis et gardinis in R.
que A. ei demisit ad terminū annorū
fecit vastū venditionē et destructionē
ad exhereditationē ipsius A. contra
formā prouisionis predictę / et habe-
as ibi. &c. teste. &c. Eod̄ modo fiat ad
terminū vite vel per legē Anglie / vel
aliquo modo mutat̄ mutand̄.

Process

This writte lieth wher tenaunt
for terme of lyfe / or tenaunt in
dower / or tenaunte by the cur-
tesy / or gardeyne in cheualry / or te-
naunte for terme of yeres / maketh
waste : he in the reuercion shall haue
this writte (where by the comō lawe
they had but a prohibition of waste)
And this writte is gyuen / by the sta-
tute of westm. 2. Ca. 14. And in the
same statute : Process is suchē somōs
attachement / and distresse. And if
the party come nat at the distresse :
than shalbe cōmaūded to the therise
that he enquyre of the wast : & if the

Natura breuium. fo. 57.

Waste be founde by the inquisition of
the enquest / it shalbe retourned / and
the party shall recouer treble dama-
ges / and the enquest shall gyue but
syngle damages / and the courte shal
treble them / and also he shall lose the
place wasted. And that is gyuen by
the statute of Gloz. La. 5. whiche
thus begynneth. *Putuch est enscit
que si homo. &c.* And also the same
statute wyll / that if any gardeyne
make waste he shall lose the warde /
but if the losing of the warde amoũt
nat to as moche i valure as the wast
done / than the infaute at his full
age shal haue the said writte of wast
and recouer his damages for the re-
menaunte. Also in case that the te-
naunte for terme of lyfe (or of other
persons lyues) make wast and lette
ouer his estat / than he in the reuerē /
shal haue this writte of wast against
hym to whome the tenaũt for terme
of lyfe / or of other persons lyues / let
his estate / & he shall answer of wast
made in his owne tyme / for he ta-
keth the lande in suche degre as it
was in tyme that the lesse lette his

Natura.

fo. 1.

Natura b:cutim.

estate/ but otherwise is in case the te-
naunte in dower/ or by the courtesy/
let ouer they: estates and they (to
whome the tenementes are letted)
do make waste / he in the reuercion
shall haue a writte of waste agaynst
those tenautes in dower / or by the
courtesy/ & nat agaynst the lesic/ for
none may be called tenaunte i dower/
or by the courtesy / but the same te-
nautes i dower / or by the courtesy .
And it is said/that in case that tenat
for terme of lyfe make wast/ and sur-
rendre his estate to hym in the reuer-
cion/and he doth accepte it & manure
the lade after:he shall neuer haue an
actiō of waste:for that / that he was
nat constreyned by the lawe / to re-
ceyue or take the lande . The same
lawe is of other of the foresaid tenā-
tes . And knowe ye that if lande be
letted to a woman soele/ and she ta-
keth a husbande / and the husbande
maketh waste and dyeth / the wyfe
shal answere of the wast/and lose the
lande/ & yelde dā damages (if the wast
be founde) for that / that it was her
foly that she wolde take suche a hus-

bande that wolde make wast. But
 other wyse is where landes are lette
 to a mā & his wyfe/for terme of their
 lyues/and the husbāde maketh wast
 and dyeth/the wyfe shal nat answere
 for the wast made after his deith/ for
 this was the folp of the lessour (whi
 che letted the lande to the husbāde
 and the wyfe) the whiche wyfe shal
 nat be charged of wast made i tyme
 of her husbāde. And knowe ye that
 if the tenaūte for terme of lyfe/be dis
 seysed/ and the disseysour make wast
 and the tenaunte for terme of lyfe
 do recouer by assyse/ and suche mat
 ter founde/by the enquest/in a writte
 of wast / he in the reuercion shal re
 couer of the tenaūte for terme of lyfe
 damages / for the tenaunte for
 terme of lyfe recouered dā damages/a
 gaynst the disseysoure haupnge re
 garde to the wast made. And if the
 Bardeyne make waste/ than shalbe
 done as is conteyned in Magna car
 ta. Ca. 5 (Custos autē. &c) but there
 where the kyng sellethe or gyueth
 the warde of landes or tenementes /
 of any infraunte within age / to any

Natura bꝛutum.

man of the same seignory / and that
Bardeyn maketh waste / the kynge
wyl that he shal lose the warde / and
shal be gyuen to two lawfull men / of
the same seignory. Also by the newe
statutes of E. 3. Anno. 14. Ca. 12. all
suche landes (whiche are in the hāde
of the kynge / bycause of a warde)
shal be letten to the nexte frendes of
the infauite / to whome the heritage
may nat discende (if they come hāste
ly in to the chāncery) after the Dicm
clausit extremū retourned: and there
offre to take the said landes / yelding
to the kynge the valure / vntyll the
age of the said heyre as a nother mā
wyl yelde / without fraude or disceit
and shal haue a cōmission to kepe
the sayd landes and tencementes / by
good and sufficiēt surete / to answer
to the kynge / of the valure of the
warde by the accorde of the Chaun-
celour and Treasourer / and the heire
shal haue an accion of wast agaynst
them / whan he cometh at his full
age. And also by the statute of. E. 3.
Anno. 36. Ca. 8. if the eschetour haue
any suche warde / and doth answer

the kyng of the issues and maketh
wast / the heyre shall haue an accion
of wast (as well within age / as of full
age) agaynst the sayd eschetour / and
shall make fyne at the kynges wyl.
And the frendes of the infaute (as
longe as he is within age) shall haue
the sute / and therof answere to the
sayd heyre of that / that so shalbe re-
couered / whan he cometh to his full
age. And also in all cases where the
heyre within age may emplede / his
nexte frendes shalbe receyued to pur-
sue in his name / as it appereth in
the statute of westm. 2. Ca. 15. And
it is sayd / that though the heyre be
of full age and in his lande / yet he
shal haue (if he wyl) a writte of wast
agaynst hym (that was Bardeyne
to hym or agaynst hym to whome
the Bardeyne let the warde) and af-
ter recouer damages. And knowe
ye that if the chiefe lord / enfeffe any
man of parcell of the lande / that is
in his warde the heyre shal haue As-
sise of nouell disseyson mayntenaunce
agaynst the Bardeyne and the te-
nante. And the Bardeyne shall lose

Natura breuium.

the wardshype of the same thyng recovered / and of all the remenaunte that he holdeth in the name of the heyre for all his lyfe. And that wyll the statute of westm. 1. Ca. 47. whiche thus begynneth. Si gardem ou chiefe seignoure. &c. And knowe ye / that a writte of wast shal nat be maintained agaynst the tenaunt by Elegit nor agaynst the tenaunte by statute merchaunte / or by the statute of the staple. But if they make waste / he in the reuercion shall haue a writte of accompte / and the sayd tenauntes are accomptable after the dette or damages leuyed. And knowe ye agaynst tenaunte in mortgage / no writte of wast nor accompte is maintainable bycause that he hath fe condicionell. And knowe ye / that by the statute of westmynster seconde. Capitulo. 22. whiche begynneth. Cū duo / vel plures / teneāt bōtū. &c. that if woddes / turbarye / or fylshyng / be holden in comon / of two or thre men and the one of the make waste / the other shall haue a writte of wast fourmed / in this maner. Cū

Natura breuium. fo. 60.

**A. et B. tencant bostum vel turbam-
riam prouidenso/et fecit bastum. R.**

And if the wast be founde / it shalbe
in the eleccion of the defendaunte to
take his parte by that assygned of
the sherife in the place wasted / or
that he graunte/ that he shall take no
thyng in suche wodd; or turbary. R.

wyll but as his parcellers wyll take

And if he wyl chose/to take his parte
in a place certayne/ the place wasted
shalbe to hym assygned. And in

case that he graunte in the courte /
that he shall nat take otherwysc thā

his companions wyll / and after he
makethe waste / his scowes shall

brynge the said writte/and if he wyl
take his eleccion / as he dyd in the

fyrst writte/he shall nat be receyued:
for the statute gyacth but one elec-

tyon / and that hath he had / for the
whiche these pleyntyfes shall reco-

uer the place wasted. And this
writte lyeth/as well betwixte them

that holdeth for theyr lyues / as be-
twixte them / that holdeth ioyntly

in fee / and as well betwixte them /
that are in the tencment / by dyuers

Natura breuium.

tytles / as by one tytlic if they take
the profytes in comon / and no man
knowynge his seuerall. As it appe-
reth Michael. 21. E. 3. fo. 1. whan
any ought haue Estouers in any
woddes / and the woddes be wasted
and cutte downe / than he shall nat
haue a writte of waste / but he shall
haue Ass de nouel dcs / and that by
the statute of westm. 2. Ca. 25. whi-
che begynneth. Quia nō est aliquod
bñe per qd. &c. And if he be disseysed
of suche Estouers / and dyeth : his
heyre shall haue a Quod permittat
de estouariis. And also if the heyre
be distourbed to haue estouers main-
tenaunte after the deth of his father
wherof he dyed seised / the heyre shal
haue a Quod permittat of Estouers
in the place of assyle of mortdaunce
the writte is suche.

**Quod p
mittat
de esto-
uariis
suche.**

Rex bñ salutē pñ A. q iuste. &c.
pmittat B. hēre rōnabile estouariū
suū in bosco vñ in turbaria vel i bñe
ra ipsius A. in C. qd in co vel in ea
hēre debet et solet : vt diē. &c.

**And also in case if the heyre be
distourbed as afoze is said / the writ**

Natura breuium. Jo. 61.


Shall say q^d permittat B. hēre rōnabi-
lem estouariū suū/ in bosco ipsi⁹ t^{is}
in R. de quo L. p^rē predicti B. cuius
heres ipse est/ obut seisi^t in dñico suo
vt de feodo. And knowe ye that exe-
cutours/ may nat maintene a writte
of wast/ but it shalbe mayntenable
agaynst them.


*** Addition.**


☛ It is sayd that a writte of waste **Ed. 12.**
lyeth at the comon lawe agaynst thē **H. 4.**
whose estates are made by the lawe
as agaynst the gardeyn of a wardc/
tenaunte in dower and tenaunte by
the courtesy / and for that in suche
writtes it nedeth nat to reherse the
statute. &c.

☛ If a man do manasse o^r threttē **R. 9.**
any villaines whiche are regardaū^t **H. 6.**
to a maner in a nother counte/ than
where the maners is (so that they
are cloynd and gone away) the acti-
on of wast shalbe brought in the coū-
te where the maner is / & there shall
the wast be tried/ for the wast is (all
tymes) in the man^r / but of trespasse
(gadventure) the lawe is otherwise.

Natura breuium .

H. 49.  In a writte of wast (of a house) it is a good plc to say / that after the lease / the lessour made the house a-
E. 3. gaynst the wyll of the lesse / iuge-
ment. &c. and this is a good plc.

M. 48.  In wast the pleyntife supposeth
E. 3. the wast to be in diuers thyngs / that
is to say in a graunge house / and co-
tage / and dyuers plects were pleded
as to the graunge / and cotage / as
appereth in the case / and as to the
house / he sayd that it was feble at
the tyme of the lese. &c. and the plein-
tyfe said that you your selfe / by this
dede indented / whiche here is graun-
ted / to repayre and kepe by the said
house / in as good estate and bettre
than they were / whan he them re-
ceyued / so is he bounde to repayre /
and kepe by the house. &c. iugement / if
he shalbe receyued / to say that the
house fell for feblenes / and it was iu-
ged that this dede indented / shal nat
charge hym in this accion of waste.

 A writte of Estre-
pauent .

Natura breuium. Fo. 62.

Rex Ed. p. salutē. Cū i statuto Alwritte
apud Glocestet dudū editū itē ce of Estre
tera cōteneat: q̄ a tēpore quo pament
plitū motū fuerit i ciuitate Lōdoū isliche.
breue tenēs non habet potestātē fa-
ciendū bastum estrepamentum de tū:
quod est in dō a pendente plito / et
quod ead̄ ordinatio et stat̄ in aliis ci-
uitatibus et burgis et alibi per totū
regnum Anglie obseruenter ac iam
ex gñi querela w. de T. accepimus/
q̄ licet plitum pendeat corā balliuis
nostris de S. per peruū breue nostrū
de recto inter A. p̄ et T. tenentem
de vna bouata terre p̄ati / bosci cum
p̄tiū in T. tu tamen bastū estrepā-
mentū fecisti et indices facere non de-
sistis pendente plito p̄dicto in ip-
sius willi dispendium non modicum
et grauamen / ac contra formam sta-
tuti et ordinationis p̄dictorū plito
p̄dicto pendente in discussio: teste. &c.

This writte is in maner a pro-
hibition & lpeth where a mā is
cmpleded by a p̄ccipe q̄ redd̄
of certayne landes / or tenementes /
and the demaundaunte (supposeth
that the ternaunte / wyll make waste

Statuta breuium :

in the landes or tenementes / hangynge the ple) than he shal haue the sayd writte as is conteyned / in the statute of Gloz Ca. 13. whiche begynneth thus : *Puruen est enscienet que del heuf. &c.* And if the ple be moued in London / than the demaundaunte shal haue the sayd writte dyrected to the Mayre and Sheryfes / that they shal cause the tenementes to be kepte & that no waste be made in them. In the same maner shalbe if the ple be moued afore the Justices than the demaundaunte shal haue this writte dyrected to the Sheryfe of the same counte / where these tenementes are / to defende the tenaunte that he make no wast hangynge the ple. And knowe ye that this writte lyeth properly / whan a man demaundeth any landes or tenementes by a fourmedon or writte of ryght where he shal recouer no damages / but in case that he byynge a writte / wherin he shal recouer damages / than he shal recouer damages haupnge regarde to the waste. And also in case that he hath recovered by iugement

Natura breuium. Fo. 63.

in the kyngs court/and the tenante
after the iugement gyuen/and afore
that the demaundant be put in pos-
sesson by the sheryfe by force of a
writte (which is called **Hæc fac sei-**
sinā) he maketh distruction/ than he
shall haue attachement agaynst the
tenaunte/ to be afore the Iustices at
a certayne day / to shewe for what
cause he made waste/and there shal-
be mencion made in the sayd writte
of the recovery had before. And this
writte shall go out of the Rolles of
the Iustices (if it be nat in tyme of
vacation whā the iustices are risen)
and thā it shalbe made in the Chan-
cery. And the **proccs** is suche/atta-
chement / and distresse / and for de-
saute of distresse proccs of vtlawry.

proccs

An Addition.

In Estrepament against an in- **Ed. 1.**
sante / he prayed his age / and was **H. 6.**
put out for that/that it is but in the
nature of trespass. In the same ple
it is sayd/that proccs of vtlawry ly-
eth nat in this accion.

Natura breuium.

H. 28.

E. 3.

And if a man recouer lande / the
whiche was sowed / and afore execu-
tion such / the ternaunte hath reaped
the corne / and caried it away : i this
case he that recovered / shall nat
haue a writte of Estrepament / but
an accion of trespassse.

: **A writte De homine
Replegiando .**

**A writte
De hoie
replegi-
ando / is
suche.**

R Ex viē R. salutē. Precipim⁹
tibi qđ iuste et sine dilaē reple.
facias A. quē B. cepit / et cap-
tū tenet / vel sic quē turpse cepisti et
ceptū teneas vel quem B. cepit / et
turpse captum teneas (vt dē) nisi cap-
tus sit per speciale preceptū nostrū
vel caplis Iusticiē nostri vel p morte
hominis vel foresta nostra / vel pro
aliquo alio recto : quare : secundum
cons. regni nostri Anglie non sit re-
plegiabilis . Ne amplius inde clām
aud pro defectu iusticie : teste. &c.

This writte lyeth / where a mā
is imprisoned / whiche is re-
pleuisable : than he that is in

Natura breuium. Fo. 64.

prison shall haue the said writte directed to the Sheryfe / that he replew upn him whiche is in prison (excepte he be in prison by especiall comaundement of the kynge) or of the chiefe Justice or for the deth of a man / or for the kyngs forest / or for any other cause (wherof he shall nat be replew sable) And knowe ye that this writte is a Justices / and nat recontenable: but if the Sheryfe make nat replew upn by this writte / than shall go *Sicut alias vel causam nobis significes*: and yet if he do it nat / or if he may nat do it / than shall go out *Cū plus vel causam nobis significes* / whiche shall be retourned. And if the Sheryfe make nat yet replew / thā shall there go out attachmēt agaynst the Sheryfe directed to the coroners of the same countie that they shall cause the Sheryfe to be attached / & ouer that that they shall make execution of the fyrst writte / whiche by the statute of westm̄ .i. Capitulo .15. whiche begynneth : *Par ceo que les vires auters . &c. the Sheryfe constables / nor baylyfes of see / shall replew upn*

Statuta breuium.

any mā that is nat repleuisable/ and
he that hath the keepyng of prysones
in fe/ shall lose the baylewike foreuer
and shall haue themprysonement of
thre yeres. And he that holdeth these
prysoners (whiche are repleuisable/
after that they haue offred sufficient
suerte) shall be greuouly amerced a-
gaynst the kyng. And knowe ye/
that if a man do a trespassse within
the forreste / for whiche he is taken /
and put in pryson and the gardcyne
of the forreste wyll nat hym repleuin/
nor let hym to maynprie: a writte
shall be sente to the sheryfe of the place
to attache the sayd gardcyne / to be
before the kyng at a certayne daye/
for to shewe wherfore he hath nat
made repleuin of the sayd man/ and
be it conteyned in the writte that the
sheryfe caste the verdours / and the
names of the maynpnours to make
deliuey to the sayd verdours / and
answere in Aite before the Justices
And that by the statute of E. 3. Anno
1. Ca. 9. whiche begynneth: Cum
hugh. &c. And knowe ye that no mā
shall be take nor imprisoned for vert/ as

Natura brenium. Jo. 55.

venison if it be nat founde by verdit
oz enditement in whiche two cases
he shalbe let to maynprize / by the
wardeyn of the offyce / oz otherwise
by writte / oz the Wardcyn shalbe as
tached as afoze is sayd. And the
fourme howe a man may be indycted
foz trespassse of vert / oz venison / is
conteyned in the statute / whiche is
called *Additio de foresta*: made in
the tyme of kynge Edward sonne
of kynge Henry. Anno. 34. And know
ye / that foz trespass i parkes / a writte
of trespass is gyuen to the partye / to
recover his damages / oz els the king
shall have the sute / after the yere &
the daye / as is mencion in the statute
of westm. 1. Capit. 20. whiche begyn
neth. *Purcu est enscement / que male
factours in pkcs ou en buccs. &c.*

A writte of Replegiat de aueris.

Rex viē. salutē. Principimus ti-
bi qđ iuste. &c. replegiare fac.
A. de. R. aueria sua: que B. de
W. cepit et iniuste detinet vt dĩ. Et
postea cū idē iuste de duci facias. &c.

Natura.

J. i.

**A writte
of Reple
giat de
aueris
is suche**

Natura breuium.
amplius inde clamorem audiam⁹ p
Defectu iusticie: testc. &c.

This writte shall go out of the
Chancerie/dyrected to the Sher-
ryfe/that he make deliuerance
of the beastes of the tenaunt which
are in name of dyrttes. And if the Sher-
ryfe serue nat the writte / thā shalbe
made / as afore is sayde. **De homi-**
ne replegiand. And knowe ye / in ta-
kyng of beastes. vi. thynges are ne-
cessarye / that is to saye / very lord/
very tenaunte/seruyce behynde / the
daye of the takynge / seysone of the
seruices/ & withi his fee. And knowe
ye/that a man is nat very tenaunte
vntyll he hath attourned to the lord
by some seruyces. And knowe ye/
that a man maye haue a repleyne /
as well by pleynte / to the Sherryfe / or
baylyfes of the fraunchise/as by writ-
te. And knowe ye: that the statute
of westmynster. seconde. Capitulo. 2
whiche begynneth(**Quia domini feo-**
dorum. &c. wyl that if the tenaunte
haue repleyned his beastes by writ

Natura brenium. fo. 66.

te / in the countye / the lord shall ha
ue a þone out of the chauncery / dy
rected to the sheryfe that he remoue
the plee / whiche is in the countye oz
in other courte / betwixte one suche
lord and one suche ternaunte in to
the kynges courte / and the þone
shall saye. þone loquelam que est in
com tuo per breue nostrum / inter J.
et K. de aueris ipsius J. captis et in
iuste detentis. &c. And also the defen
daunte maye remoue / but nat without
reasonable cause / as it appereth
more playnly by the Registre. But
if the plee be without writte in coun
tye oz in courte baron / than maye
the playntyfe remoue the plee in to
the comon banke / by the Recordare
facias. And the same maner maye
the defendaunte / with reasonable
cause. And knowe ye / that if the lord
that dystreyned / do dystreyne ano
ther tyme after that the sheryfe hath
made repleyne by writte / oz with
oute writte / as well afore the þone
oz the Recordare as after / & for the
same thyng / for whiche he toke
Natura. J.ii.

Natura breuium.

the dystres afore/the pleynt yfe may
haue a writte dyrected to the Sheryfe
for to attache the lordc/ for to be be-
fore the Iustices of the comon bāke
at a certayne day to answer/where
fore he take the seconde dystres for
the same cause/if the dystres be made
after the Done / or after the Recoꝝ-
dare/than the writte shall commaū-
de the Sheryfe/that he haue the body
of the lordc before hym and his coꝝo-
ners at his nexte countye/and if the
lordc be conuicted of the seconde dy-
stres taken / for the same cause / by
these baylyfes whiche made the re-
pleyn / or by other good people of
the same countye / than he shalbe a-
merced so greuously that this chasty-
sement. In casu consimili timore
aliis prebeat taliter delinquentibus
exemplum. And this writte is mayn-
tened by the statute of Marl. Capi.
3. whiche beginneth. Ne quis maior
aut minor.

Proces

¶ And the proces is/i this writte of
Done/somōs/attachemēt/ & dystres
And for defaute of dystres/proces of
vlla wyse agaisste the defēdaūt. And

Natura breuium. fo. 67.

that appereth in a mcruaylous case/
that the lorde shall haue the þone /
for by the comon lawe / the defēdaunt
shall nat haue the þone & the lorde i
this case appereth to be defendaunt /
whan the tenaunt hath brought a
gaiste hym a repleuyn / but it is nat
so here for as moche as the lorde dis-
treyned his tenaunte / for the seruy-
ces and lutes / whiche to hym was
dewe. And therfore it shalbe intēded
that he is demaundaunt / & nat defē-
daunt. And this clause shalbe put in
the þone. Quia talis distrinxit i feo
do suo p seruiciis sibi debitis. &c.

¶ Addition.

☛ In a repleuyn / it is a good plee **H. 20.**
for the defēdaunt to saye / that the pro **H. 6.**
perte of the beastes / was in owne
suche and nat in the pleyntyfe.

☛ If the lorde distreyne his tenaunt **þ. 33.**
nat withstādyng that the tenaunte **E. 3.**
haue againe his beastes / he shal haue
a repleuyn / for that / that he maye
nat haue an acciō of trespas. And it
is a good plee to saye / that the pleynt

Statuta breuium.

Pl. 34.
Tr. 6.

type hath nothyng but in comon.
☞ And if a repleyn be brought by diuers persons/the defendaunte maye saye/that the propte is i one of these pleytyfes/and nat to all. And if a mā take a false writte of repleyn/by the whiche the defendaut hath retourne the pleyntyfe shall haue a newe repleyn / & so he maye haue of as many false writtes as he will / for that / that the statute dothe remedy but nonsuete ouely.

Tr. 22.
Tr. 3.

☞ If a man in a repleyn / auowe the takynge of the distres .&c. & the distres is corne in the sheafes that is no good auowye/for it is saide/that a man maye nat distreyn wheate in sheafes/ue other maner of corne / excepte that they be in a carte/for a mā maye nat distreyn in shokkes / for the losse that maye folowe in scatteri ge of the same corne .&c. & so it is of mouey / if it be nat in a bagge sealed for that / that one peny maye nat be knowen by the other/ and that appereth in trespass.

Pl. 18.
Tr. 3.

☞ He that is astrainger to auowrie shall charge the auowant/ to auowe

upon hym thought he clayme nat
by hym / upon whome the auowye
is made / if he maye laye seison by the
pleyntifes handes / for if the auowant
accept hym for his tenaute / though
that he come in by deseyson or other
wise / he shal auowe upon hym. And
it is sayde in the same ptee if the bay
lyfe make cognisaunce / and the lord
ioyne to hym / the pleyntife shall re
couer damages / agaynst the lord
And if the lord auowe for the same
cause / the baylyfe is mayntenaunte
out of the courte.

☞ If a rente be graunted to me / &
to another / and my felowe releaseth
to me. I shall make auowye for all
the rente / & yet I am by seuerall ty
tles / but it is conuicte that I shewe
the release in myne auowye.

**T. 33.
E. 3.**

☞ He that hat estate / of one copce
cencr / shall auowe for a rente graun
ted upon the purpertie without dede
and shewe the matter in his auowye
whose estate he hath.

**T. 3.
D. 6.**

☞ If the meane be foriudged / the
lord shall auowe upon the tenaunte
for the arcerages in the meane tyme

**T. 7.
E. 3.**

Natura breuium.

afore the foriudger .&c. for he maye
nat auowe vpon the meane in soo
moche that the meanalty is exticte.

A writte of non Omittas.

**A writte
of non o
mittas
is suche**

R Ex viē. &c. salutem. Cū p bre-
ue nostrū tibi precipimus : qd
auctia A. que B. cepit et inu-
ste detinet vt dicē eidē A. repl feceris
vt causam nob; significes / quare mā
data nostra tibi inde directa exequi
non potuisti aut noluisti ac balluisti.
C. de M. quibus returnum breu; no-
stri tibi inde directi habere fecisti ni-
hil inde faceretur auct pout nobis
significasti precipimus quod propter
libertatem predictam non omittas
quin eam ingredieris & auctia pdictē
eidem A. sine dilac repl facias codē
tenore breuis nostri inde tibi directi
teste. &c.

This writte lyeth / where any
writte is directed to the sheryfe
for to do the kynges commaū-
dement. And the sheryfe dothe re-
toure the writte / and sayth that he

Natura breuium. f 0.69.

hath sent to the baylyfs of the fraunchesc/whiche hathe retourne of writtes / within whiche fraunchesc the writte shall be serued / & the baylyfe serueth nat the writte than the partye pleyntyfe / shall haue the sayde writte directed to the sheryfe. (Quod non omittit. &c.) Quin exequatur preceptum dñi regis. &c. And also a man may haue aueremēt as well agaisste the baylyfe of the fraunchesc / whiche hath hole retourne the kynges writtes / agaynst the sheryfe as well of smale issues so retourned as in other cases. As it appereth / by the statute of Ed. 3. an. 1. Ca. 5. And as it is conteyned in the statute of westm. 2. Ca. 39. in the middes / whiche beginneth Multociens etiā. &c. that the sheryfe shall warne the baylyfe / that he be afore the Justices at a certayne daye / as is conteyned i the kynges writte and if he come at the daye lymitted / and hym acquyte / that the sheryfe to hym directed any precepte / than the sheryfe shall be condēpned to the lorde of the fraunchesc / and yelde dammages / to the partye greued. And if the

Natura breuium.

Baylyfe come nat / at the daye assigne
ned / or hym acquyte / thā all the writ
tes Judicialles / whiche shall go out
of the banke to the sheryfe / durynge
the same plee: shalbe called. Non o-
mittas. &c. And the sheryfe shal make
execucion of all the writtes durynge
the plee. And in this case the lorde
shall lose the franchises / hangynge
the plee. And knowe ye / that if these
plee of wythernam be in the countye
& the sheryfe sende to the baylyfe of
the franchises for to repleuyn the bea-
stes or goodes / whiche are taken in
name of dystres / & the baylyfe wyl do
nothynge / thā the sheryfe of his office
maye entre in the franchises without
writte. As appereth in the statute of
Marl. Capi. 21. whiche begynneth.
Provisum est etiā / quod si aueria. &c.
And also the statute of westm. 1. Ca.
17. whiche begynneth. Puruen est
ensemment que uul. &c. And therfore it
is nat holdē in the one case ne in the
other. &c.

A writte of wythernam.

Natura breuium. Fo. 70.

Rex vñ salutē cum pluries tibi
precipim⁹: q̄ iuste et sine dila-
tiōe repl. fac. A. aueria sua que
B. cepit & iniuste detinet (vt dicit) vel
causam nobis significares quare mā
data nostē tibi inde directa crequi no-
luisti aut non potuisti / actu nobis sig-
nificaueris: qđ post q̄ predictus B.
aueria p̄dicti A. cepit i comitatu tuo /
& ea a comitatu illo fugauit de com̄ i
com̄ ita quod inuenire non potuerūt
Nos malicie predicti B. obuiare vo-
lentes in hac parte. Tibi precipimus
q̄ aueria predicti B. in balliua tua
capias in withernam / et ea detineas
donec aueria p̄dicti A. repl. possis iur-
ta tenorem mandatorum nostrorum
inde tibi directorum: teste. &c.

A writte
of wy-
thernā
is such

This writte lyeth / where the
lorde distreyneth his tennaūte /
for certeyne seruices / or suytes
and the lorde dothe chace the distres
to a fortelet / or to a castell / or out of
the same countye where the dystres
was taken / in to another countye /
or other wyse: so that the sheryfe may
nat haue the syghte of the beasts /

Natura breuium .

for to make repleuyn/oz i suche lyke
maners as appereth by the Reges
story. And if the tenaunte brynge his
writte of repleuyn. Sicut alias et
pluries / & the sheryfe retourne that
he maye nat haue the syght of the
dystres / for that / that the dystres is
cheased to a forteleit/oz castell/oz out
of one countye in to a nother / than
the sayde tenaunte shall haue the sayd
writte. &c And knowe ye / that by the
statute of westmynster. i . Capitulo.
17. whiche beginneth Purueu est en
sement / que null desormes. &c. that if
any enclose the beastes / whiche he
hath taken in name of dystres / in a
forteleit oz castell / that sheryfe maye
make as is conteyned in the same sta
tute / at the sute of the pleintyfe / that
the sheryfe shall go to the castell / oz
the forteleit / and there warne the
lorde / oz hym that toke the beastes
to make delyueraunce / and if he will
nat make delyueraunce / than he shall
abate the castell oz forteleit for the
trespas / & dyspyte made to the kyng.
And knowe ye / that if the dystres be
take within the fraunchyse / and the

Natura breuium. No. 71.

baylyfe of the fraunchese will nat. re-
delyuer/than the Sheryfe/ after com-
playnte to hym made/maye delyuer
the dystrcs to his offyccr. As it ap-
pereth in the statute of Marl. Capi.
21. that begynneth. *Provisum est etiam*
quod aueria. &c. And the proces is in
this wytte as in the pone.

Proces

*** Addition.**

Knowe ye: that in a repleyn at **M. 7.**
the pluries was retourned / aueria **E. 3.**
elongata sunt / & the defendaunt ap-
pereth / & nat withstandinge / a wither
nā was awarded / & for that / that it
was awarded erronyously / that iusti-
ces awarded a Supsed for the defen-
daunt / to the Sheryfe to surcease / & if he
haue taken the beastes of the defen-
daunt / that he them restore / & the Sh-
eryfe retourned / that before the Su-
persedias to hym delyuered / he hath
deliuered the beastes of the defendaunt
to the pleyntyfe. And that the pleynt-
tyfe / the hath eloynd / that he maye
nat them restore to the defendaunte.
And the defendaunt appereth / and

Natura breuium.

pleadeth to the original / that he took
them nat / and praieth a wythernam
agaynste the pleyntyfe. And the
courte sayde / that if the pleyntyfe
wyl nat wage delyuerance / that he
shall haue it.

I. 7.

R. 2.

☞ In a repleyn / after aduowze /
the pleyntyfe is nonsuyt / and the de
fendaunt sueth a writte de retourno
habendo / and the sheryfe retourned /
that they were cloynd. In this case
he shall nat haue a wythernā befoze
that he hath sued a Scire facias a
gaynste his pledges. So knowe ye /
howe a wythernam shalbe a warded
agaynste the pleyntyfe.

H. 9.

E. 4.

M. 21.

H. 6.

☞ Note ye / that the sheryfe maye
awarde a wythernam in his countye
where the repleyn is sued by pleite
For otherwyse it shalbe in vayne to
sue a repleyn / befoze hym / if he may
nat make pzoce.

M. 2.

H. 4.

☞ Knowe ye / if the beastes of the
defendaunt be taken in wythernam /
the sheryfe oughte nat to delyuer the
to the pleyntyfe / but oughte to kepe
the vntill the defendaunt wyl deliuer
the other beastes fyrste take. For the

Natura breuium. 10.72.

**Writte will. Quod capeas. &c. et deti-
neas quousq. &c. And that is to be
entented in the comon banke/other-
wyse is in the Kynge's benche. And
so knowe the dyuersite.**

**¶ The sheryfe maie take. 20. Oxen A. 23.
in wythernam / natwithstandynge B. 6.
the repleynne be but of one Ox. And M. 31.
if the repleynne be of pottes and pa E. 3.
nes/he maye take in wythernā/Oxe
and other goodes.**

¶ A writte/de Libertate probāda.

R **Ex viz saltm. Monstravit no A writte
bis A. q. cum ipse liber homo de Liber
sit/ et perat libertatem suam tate pro
pbare B. clamans cum natuū suū bāda is
berat cū iniuste. Et ideo tibi p̄cipi- sucbe.
mus: q. si p̄dict⁹ A. fecerit te secus de
libertate sua pbanda/tūc ponas loq̄
lam illam coram Justiciē nris ad p̄i-
mā assisam cū in ptes illas venerint
quia h̄mōi probatio non pertinet ad
te capiendū/ et interim eidem A. pacē
inde habere fac/ & die p̄fato B. quod
sit ibi loquelam suam versus p̄dis-
tum A. inde p̄secutus si voluerit.**

Natura breuium.
Et habcas ibi hoc breue. &c.

A writte/de Natuo habendo.

**A writte
of de na
tuo ha
bendo
is suche**

Rex viē salutē. Precipim⁹ tibi
q̄ iuste & sine dilatione habere
faciā A. natuum cum oib⁹ cas
suis/et tota sequela sua ubicunq; in
uentus fuerit in ballua tua nisi sit i
dominico nro qui fugit de terra sua/
post coronationem dñi H. R. p̄ au
nri. Et prohibemus tibi sup forisfa
cturam ne quis cum iniuste detineat
teste. &c. Aliter si manserit in domini
co per minus tempus q̄ per vñū an
num & vñū diem / tunc fiat pro do
mino natui hoc breue.

CRex viē salutē. Precipim⁹ tibi/ q̄
A. quē B. clamat natuū suū in com
tuo per breue nostrū manseri in do
minico nro de R. p̄ vñū annū & vñū
diem cū calūnia nō remaneat loq̄la
p̄dicta in comtuo eo q̄ manserit i dñi
co nro p̄ minus tempus. &c.

Thesē writt; lyeth for the lorde
whā his nyce is fled frō hym
thā the lorde shall haue thesē

dyrected to the Weryfe/in what coun-
tye soeuer the nyefe is abydyngc/ or
dwellynge/that he cause the lordc to
haue his nyefe with all his goodes.
And knowe ye:that in suche writtes
mo nyefes maye nat be demaunded
than iwo. But mo nyefes/may byn-
ge the writte of Libertate pbanda /
& that is in fauour of libertye. And
if the nyefe purchace his writte of Li-
bertate pbanda/before/that the lordc
purchace his Done/he shalbe i peace
vnto the nexte Assise of Iustices in
Eier/but if the lord purchace his Do-
ne/before that the nyefe purchace his
writte of Libertate pbanda/thā the
writte of Libert pbanda/ is nothyng
worthe for the nyefe. And i this writ-
te/it behoueth that the lordc proue/
that he was scysed of hym / or of his
blode. And if the lordc can proue no
seysure of any of his blode / he shal
wynne nothyngc : if the nyefe haue
nat knoweleged hym selfe in courte
of recorde/to be his villed. And know-
ye:that if two coperceners bynge a
writte of Ratuo habendo / and the
one is nonsuyt / The suyt for bothe

Natura breuium.

Shall sayle/ and that is i fauour of ly-
bertie. And knowe :ye by the stat of
E. 3. Anno. 25. De puiſum victualiu
Capl. 18. that nat withſtādyngc the
adiournament in Eyre in fauour of
nyefes/ for delayngc theyr lordes of
theyr accion agaynſte ſuche nyefes/
the lordes ſhalbe receyued / to alled-
ge excepcions of villenage agaynſte
theyr perſons/ in all writtes where/
that they ſayde writte of libertate p
banda is purchaſed by diſceyte/ and
the lordes maye ſeyle the bodyes of
thoſe villayns/ as well as they maye
afore ſuche writtes (of Libertate pro
banda) were ordeyned/ or purchaſed
And loke in the ſtatute of Richard
2. Capitulo. 6. Anno primo / whiche
begynneth. All greuous pleyntes
que touchent leſtatute des villayns.
¶ And knowe ye: that if the villayn
of any lord: haue dwelled in auncient
demeane of the kynge by the ſpace
of a yere and daye/ without ſclaūder
of the lordc / or clayme / he maye nat
haue hi by no writte out of the ſayde
auncyent demeane. But it is ſayde
if he be ſolde out of auncient demeane

Natura breuium. No. 74.

the lord maye seyse hym as his vil-
layne. And knowe ye: that this writ
is vicoūtpell/and nat retournable
but it maye be remoued by a pōne/
out of the countyc / in to the comon
banke/as it is sayde. And knowe ye
in case that the lord be nat able to
distreyn his villayns/to cause them
make and do theyr seruices/he maye
haue a byll directed to the Sheryfe /
for to be aydynge to hi there/ where
he is nat sufficient. &c.

A writte de Moderata mia.

Rex balliuis A. de J. vel tali do-
mino vel vicē salutem. Mōstra-
uit nobis A. q̄ cū ipse nuper
amerciaūd esset in cū tua de J. vel
in cū p̄dicti dñi de J. p̄ modico deli-
cto i q̄ cecidit / actu vel vos ab eo
gñe erigis v̄l erigit; redemptionē cō-
tra tenorē Magnę carte vel liber-
tatib⁹ Anglie/in qua cōtinet; q̄ nul-
lus liber hō mericietur/nisi scōz quan-
titatem delicti/et hoc saluo contento
suo/et villanis saluo waynagio suo.
Et ideo tibi vel vobis p̄cipimus /
Natura. R. ii.

**A writte
de Mode-
rata mi-
sericordi-
a is
suche**

Natura breuium .
quod a prefato A. moderatā capias
vel capiatis misericordiam secundū
quantitatem delicti illius ne clamor
ad nos inde perueniat iteratus :
teste. &c.

This writte lyeth/i case wher
a man is amerced in countye
or court barō/more greuously
than he oughte to be amerced/in ha
uynge no regarde to the quantice of
the trespas / than he shall haue the
sayde writte to the sheryfe /if it be in
countye/or to the baylyfe/if the pleit
be in court barō/that they shall nat
amercy hym ouer greuously /but af
ter the quantite of the trespas. And
if they moderate nat the amercya
mente by this writte /thā shall there
go out/a Sicut alias/vcl causam no
bis significes. And knowe ye : that
the register in this case / gyueth no
other proces after that Sicut alias/
but a Somōs. Et ideo quere. And if
Quere . they do nothyng by this writte/thā
shall go Attachemēt out of the chaū
cerpe agaynst the/that they be befo
re the Iustices at a certeyne daye / &

after the attachement returned: if they come nat: than shall go out a distres/and for defaute of a distres / proces of outlawye. And knowe ye: that no man shalbe amerced by the lawe / but haupnge regarde to the quatite of the trespassse. A marchaunt saupnge his marchaundises. And a bilcayne saupnge his gaynage / haupnge regarde to the quantite of trespassse/vt pz in Magna Carta. Capi 14. Nullus liber homo amercietur. &c. & in westm seconde. Ca. 6. whiche begynneth. Et nul cite / brough / ne villeine nul home amercie sauns rea souable encheson. &c.

¶ A writte/de Transgression.

R Ex viz. saltm. Si A. fecerit. &c. tunc donec. &c. B. q. sit. &c. talidie ostens quare vi et armis i ipsum verberauit/vulnerauit/ & male tractauit. Et alia enormia ei intulit ad graue dampnu ipsius A. & contra pace nostra. Et habeas. &c. teste. &c. Aliter de quarera. Ostensu quare in quarera ipsi A. apud f. foderunt et

A writte
de Trac
gressio
ue/ is
suche.

Natura breuium.

petras ad valentiam. 20. n. sine licen-
tia et voluntate sua ceperunt. &c. Al-
ter de columbis. Ostensum quare co-
lumbare ipsius A. apud T. noctant
fregit et columbas suas in eodem co-
lumbare existentes maliciose inter-
fecit/per quod idem A. volatum eius-
dem columbaris totaliter amisit et
alia enormia. &c.

This writte lyeth / where any
Trespasse is made / or done to
any man / or woman / and sup-
posed that the trespasse is done with
force / and armes. Thā he / to whome
the trespasse was made / shall haue
his writte / and in this writte shall re-
couer damage. And Note ye : that
the statute of westm. 1. ca. 37 whiche
begynneth. Pur ē q ascūgentz de la
tre. &c. a man shall haue a writte of
attaynte in plice of London / or of fre-
holde / or of a thynge that toucheth
freholde. And now / by the newe sta-
tures of E. 3. an. 1. Capit. 6. attayntis
shalbe graūted / i writtes of trespasse
as well bpō the damages / as bpō the
principal. And the Chaūcheler hath
pouer to graūt this writte without

Placitum breuium. Fo. 76.
Speakyng to the kynge. And that
the Iustices in no case of attaynte/
shall lette for to take attayntes for
the damages nat payed / and by the
statute made Anno. 5. E. 3. Capitu.
7. in the ende / a mā shall haue a writ
te of attaynte in plc of trespassse / mo-
ued before the Iustices without writ
te / if the damages adiudged pas. 40.
s. And after by the statute of the
same kynge. An. 28. Ca. 8. a writte
of attaynte shalbe graunted / as well
vpon a byll of trespassse / as by a writ
te of trespassse without haupngc re-
garde to the quantite of the dama-
ges. And after by the statute of the
same Kynge. Anno .34. Capitulo
.7. a man maye haue attaynte / as
well of pce real / as of pce personal
And that the writte of attaynte be
graunted to poore men / that wyl swe-
re that they haue nothyngc / wherof
they maye make fyne: sayngc they
couenaunce they shall haue it with-
out fyne / as all other shall haue it for
the fyne. And knowe ye: that a writ
te of trespassse / no attaynte / shal nat be
maintened / if damages passc nat. 40. s.

Natura breuium.

before Justices. And no sheryfe shall holde plee in countye / if the damages passe. 40. s. And that is ordeyned by the statute of Bloz. Capi. 8. whiche begynneth. *Puruen est cusemēt que bicoūte. &c.* And this writte shal nat be remoued in the comon bāke with cause. But if the plee be in countye / without writte / it maye be remoued afore the Justices / by cause that the plee toucheth freholde / or i case that the defendaunte do clayme the pleyntye to be his villaine / and suche lyke cases. And also this writte hath ben of recorde by suche cause / that the grounde where the trees grewe / was the freholde (*Contra quē clamor est*) And the pꝛoces is i this writte / attachment / and distres / and for defaute of dystres / thze capias / & a exigente pclaymed in fyue countyes.

¶ Addition.

R. 22.

R. 4.

¶ In trespassse it was sayde : if a lease be made to a man for terme of yere / and after the terme is expired / and the lesse holdeth hym in / & the

Natura breuium. Jo. 77.

lessoure entreth nat / for the occupa-
cion after the terme / this writte of
trespasse wyll nat lye.

☛ It was sayd in trespasse. &c. that **H. 22.**
for the misuser of a thynge / taken for **E. 4.**
damage fesaunte / a man shalbe char-
ged as a trespassour / from the begyn-
nyng / and so it is of a distres taken
if it be misused. &c. And in this case
the defendaunte wyll Justifye for da-
mage fesaunt / & the pleyntyfe shewe
howe he hath misused that / and so of
his owne wronge that is no good re-
plication. But he to shewe the misu-
ser / & no more / for the lawe in hym
selfe ententeth that / quere.

☛ In Trespasse a dyuersite was **M. 12.**
put / whan a man is Impleaded / for **H. 4.**
nat doyng of a thige that he ought
to do / and whā he hath done a thynge
that he ought nat to do / for in the
fyrste case he thynketh / that he shall
nat be punished by an accion of tres-
passe / quare vi et armis. But an acciō
vpon the case lyeth / but in the other
case he shalbe punysshed Quare vi &
armis / quere tamen.

☛ In trespasse. Quare filium et he **H. 12.**
H. 4.

Natura breuium.

redem suum abduxit. &c. & for that/
that he shewed nat / that the marya-
ge to hym belongeth / exceptiō was
takē / but for all that / as it is thought
it is nat allowable / for it maye be
that the auncestoure of the enfaunte
helde of the pleyntyfe / by knyghtes
seruices / and yet he shal nat haue the
marriage: for he maye holde of ano-
ther by priorite.

A. 2.
H. 6.

☞ In Trespasse againste thre / they
pleaded nat gyltye / and founde gyl-
tye / the one dyed after thenqueste ta-
ken / yet the pleintyfe had iudgemēte
to recouere agaynst the other / whi-
che were on lyue.

H. 1.
H. 4.

☞ In a writte of trespas / of beast
taken / the defendaunte iustified / as
baylyfe for seruices behynde. &c. And
the pleintyfe sayde / that he was nat
baylyfe. &c. And wherof they were at
issue / the pleintyfe shewed in euidē-
ce / howe he toke them in claymyng
them as harpottes for hym selfe.
Thorow / though that the lorde after
agree to his takinge / for seruice due
to the lorde / yet he maye nat be saide
his baylyfe. But if he take the with-

Natura breuium.

No. 78.

out commaundement / for seruices
due to the lord / and the lord after
agree to the takynge / he shalbe iud-
ged as baylyfe / though that was nas
his baylyfe in no place afore the ta-
kyng / and so the diuersite.

¶ In Trespasse of two Chartours
taken away / the defendaunte plea-
ded nat gyltye / and was founde gyl-
tye / to the damages of .40. s. And
was pleaded in arreste of iudgemente
there / that the pleyntyfe shewed nat
in his declaracion / howe moche lāde
was compysed within the Char-
tours / and nat allowed. And a diuer-
site put betwyrte this accion and a
writte of Detinue of Chartours: for
in Detinue / he demaundeth the Char-
tours / and there he oughte to shewe
the certeynte of the lande: for if the
Chartours be burned / he shell reco-
uer damages / after the value of the
lande compysed. &c. But in this accio
he demaundeth nat the Chartours /
but is to punyshe the defendaunte for
the takynge away / & the pleyntyfe
hath iudgement to recouer. And no
te this good diuersite.

Pl. 19.

E. 3.

Natura breuium.
¶ A writte of Discepte.

A writte
of Dis-
cepte
is suche

R Ex viē saltm. Si A. fecerit. &
tūc pone. &c. B. q̄ sit. &c. ad rñ.
dēdū tā nob; q̄ p̄fāt A. qua
re p̄ quoddā breue n̄m p̄ finē C. soli-
di ad opus n̄m p̄ breue predictū ca-
piendor; noīe predicti A. hoc penit⁹
ignozans fraudulenter & maliciose i
cancelat̄ n̄a impetrauit in deceptio-
nē cū n̄c ad graue dampnum ipsi⁹
A. vt diē. Et habeas ibi noīa plegis
et hoc breue teste. &c.

¶ And whan it is Judicial/
it is suche.

R Ex viē saltm ex pte A. nobis ē
ostensum: q̄ B. in cū. &c. falso
et in deceptiōe eiusdē cū n̄c
recuperauit t̄iam suā v̄sus eū de tri-
bus mesuagiis cū pertiñ in C. vt ius
ipsi⁹ B. per defaultam ipsius A. cum
idem A. nunq̄ sum fuit scdm legē tee-
re effēdi corā Justic̄ n̄is apd westm̄
&c. ad respondendū p̄dicto B. de pla-
rito p̄dicto: nec predicta mess. nunq̄
capta fuerunt in manū n̄am ob ali-

Natura breuium. Jo. 79

quam defaulta ipsius A. nec idē A. ite-
rato sum fuit essendi. &c. apud westm
ad respondendū p̄dicto B. tā de pre-
dicto principali plito q̄ de defaulto p̄-
dicto put mos est in regno nro. Et
ideo tibi precipimus: q̄ distt A. et B.
primos sum per quos B. vic noster
com̄ p̄dicti mand̄ Justit̄ nris apud
w. q̄ sum p̄dictū A. essendi. &c. apud
w. &c. ad r̄ndendū p̄dictō B. de plito
p̄dictō. Et etiā p̄ L. vnū p̄ cui⁹ visū
et quorundā T. S. H. et J. q̄ mand̄
Justit̄ nris apud westm: q̄ p̄dictā ter-
tia ps capta fuit in manū nram et etiā
w. vnū de sc̄dis sum per quem vic mā-
dam⁹ Justit̄ nostris apud westm: q̄
A. sum fuit essendi. &c. apud westm. &c.
ad respondendū p̄dictō B. tā de prin-
cipali plito: q̄ de p̄dicta defaulta / et
oēs terras. &c. oct̄ purē ad certifican-
dū p̄dictis Justit̄ nris simul cū p̄-
dicto A. T. S. H. & J. de sum in cap-
tione p̄dictis & audiēd̄ iudic̄ suū de plus
defaultis p̄t etiā tibi: q̄ distt p̄dictum
B. nup̄ vic com̄ p̄dicti et oēs t̄ras res
reddit⁹. &c. q̄ sit. &c. ad p̄fatum t̄mi-
num ad certificandū simul. &c. et ad
aud̄ iudiciū suū. &c. Et tu ipse t̄nc sis

Natura breuium.

Writ in propria persona tua ad certifi-
candū prefatis Iusticiariis simul. &c.
Et hēas. &c. teste. &c.

Proces

This writte of Disceyt / is some
tymes Original / & some tymes
Judiciall. But whan it is Ori-
ginall / thā it lyeth in case where any
disceyte is made to a mā by another
by whiche disceyte / he maye be disce-
ryted / or otherwysc euyll entreated /
as it appereth by the Registre / than
he that is in suche maner disceyued /
shall haue the sayde writte. And the
proces is / Attachement / and distress
vnto the partye appere. And whan
it is Judiciall / than it lyeth out of
the rolles of recorde. As in case where
a Scire facias / is sende to the Sheryfe
that he warne a man to be before the
Iustices at a certayne daye / and the
Sheryfe retourne the writte serued /
where the sayde man was nat war-
ned / by whiche disceyte / the partye
that sueth the Scire facias / recou-
ereth / than the partye whiche oughte
to haue be warned / shall haue the said
writte agaynst the partye / whiche

hath recovered directed to the sheryfe
of the same countye. And also it lyeth
in case/where a p̄cipie qđ reddat/
is brought agaynst a mā/by force of
whiche writte he shalbe somoned/ to
be before the Justices at a certeyne
daye / & the sheryfe hath retourned/
that he was somoned/where he was
nat somoned/vpō whiche false retou-
ne/ & disceyte of the sheryfe/the demā-
daunt shall recouer seyson of the lande
by the defaute of the defendaunt/ thā
he to whome the disceyte was made
shall haue the writte directed to the
sheryfe of the same countye / that he
cause the partye to come whiche
hath recovered. And also the somo-
ners/to answere of the disceyt / & fals-
nes/that they haue made / aswell to
the kynge / as to the partye. And
shalbe cōmaunded to the sheryfe/
that he take the lande in to the kyn-
ges hāde/if the one/or the other hath
the lande/ vnto the plee be discussed
betwyxte them / and the sheryfe shal
answere and make accompte in this
case / of all the issues that cometh of
the lande in meane tyme / to the ba-

Natura breuium.

cons of the eschecker. And knowe ye
that if the somoners dye / afore that
they be examined / the pleyntyfe in
this accion / shall neuer recouer the
lande. But than he shall haue a writte
of Disceyte vpo his case agaynste
the Sheryfe / & recouer agaynste hym
all in damages. And knowe ye: that
whan this writte is sued agaynste
the Sheryfe / the Coroner of the coun-
tye shall make execuciō of the writte
as the Sheryfe shall do / if the writte
were brought agaynste a straunger.
And so shalbe done i all cases / where
proces is made agaynste the Sheryfe
in his coūtye. And now by the newe
statutes of E. 3. A. 2. Capitulo vlti-
mo / a writte of disceyte shalbe mayn-
teyned / and shall holde place aswell
in case of garnishment whiche tou-
cheth plee of lande there where suche
garnishment is dewe / as in case of
somonis in plee of lande. &c.

¶ Addition.

M. 22. Knowe ye: that if disceyt be made
E. 3. in the kynges benche / Chauncherye

Natura breuium. Fo. 81.

oz in the eschecker / this writte shal
be brought i the places where those
disceytes were made / and nat eles
where. But of disceyt before Justices
of triell baston / oz of opce & termi-
ner / after office determined / a writte
of disceyt shalbe brought in the co-
mon banke / & it is cōcūiēt for hym
to haue the recozde / if disceit be made
in any other place. And knowe ye:
that a writte of disceit lyeth / against
the attourney : if he be absent by
disceyt.

And knowe ye / that a writte shal
nat abate / for defaute of forme / if he
haue good substantiū. And if attour-
ney be informed by his mayster to
pleade a false ple / the which he may
nat pleade by cōsciēce / he may haue
suche entre (q non fuit veraciter in-
format⁹) ideo nullum &c. for to ayde
hym in a writte of disceit.

A writte of disceit / was graun-
ted by the Justices in a writte of wast
where at the graunde distresse / the
pleyntife had a writte to enquire of
the wast / and by the inquisition / the
wast was founde / by which the plain-

Natura.

Li. 1.

M. 19.

H. 6.

T. 9.

E. 4.

T. 19.

E. 3.

Natura breuium.

life hath iugemēt to recouer / where the defendaunt was neuer somoned / attached nor distreyned / & the writte maynteyned.

☛ A man recouered in a p̄cipe q̄ re. agaynstc. iii. of certeyne lande / by defaute one dyed / these . ii . shall haue a writte of disceit if they where nat somoned / nat withstādyng that the accion was gyuen to the thyrde in his lyfe: for that / that it falleth in inheritaūce / & it was sayd / that if iugement be gyuen agaynstc two by default / wherof the one was tēnaut / & the other hathc nothyng / he that was tēnauunt shall haue a writte of disceit / nat withstandyng / that the recorde proueth these two to be tēnautes . And also it was sayd that the kyng shall haue the issues of the lande after the fyrste iugemēt / & nat the ptye which recouered by disceit. And also it was sayd / that the heyre shall haue a writte of disceit / of iugement taylor agaynstc his father of certeyne lande / but he in the reuercion shall nat haue of iugemēt taylord agaynst his tēnaut for tme of lyfe. &c.

Natura breuium. No. 82.
A writte of Rescuffe.

R Ex viz salutem. Si A. &c. the
pone. &c. B. qd sit. &c. apud m.
&c. ostens quare cu idem A. p
H. seruientem suu quendam equum
ipsius B. apud H. in feodo suo pro
conq et seruiz sibi debet capi fecisset
et idem H. equum illum ibi scdz le-
gem et consuet regni nri Anglie in-
peare voluisset pdict B. equum illu
vi et armis rescussit et alia enormia.
&c. ad graue. &c. teste. &c.

**A writte
of Res-
cuffe/ is
suche.**

This writte lyeth / where any
lorde distreyneth his tenaunt
in his proper fee / for certeyne
rentes / or seruices / or customes be-
hynde / and the tenaunt come with
force and armes / and wyll nat suffer
the lorde / nor his seruaunt or hym to
take the distresse / but to them make
rescuffe / than the lorde shal haue the
sayd writte. And also if any baylife /
or minister of the kyng / or of any
other lorde / to whome speciall auto-
rite is gyuen to distreync / & rescuffe
to them be made / they shal haue the
Natura.

R. ii.

sayd writte. And in the same maner
 maye the Sheryfe or other baylyfe/
 whiche hath power to take any mā
 by the kynges commaundement (if
 rescusse to them be made. And a mā
 maye haue the sayd writte in many
 other cases/ as appereth by the Rec-
Proces gistre more playnly. And the proces
 is in this writte / Attachement and
 distresse / and for defaute of distresse
 thre Capias & one Exigent/ as in a
 writte of Trespas: for it is supposed
 that he made rescusse with force and
 armes agaynste the peace.

*** Addition .**

- | | |
|--------------|---|
| T.14. | Knowe ye: that if the lord come |
| H.4. | to distreyne his tenaunt / and se the |
| T.44. | beastes/and the tenaunt chasc them |
| E.3. | frome hym / the lord shall nat haue |
| | a writte of rescusse: for that/ that he |
| | hath no possession of them in dede: |
| | but he maye folowe and take them |
| | whether soeuer they be chased. |
| An.3. | ☛ If a man take beastes/damage |
| Item | fesaunt/and in druyng them by the |
| Roit. | hye waye to enpoude the/ the beastes |

Natura breuium. fo. 83.

entre in the house of theyr possessour
and he that toke the beastes prayed
deliuerance/and the possessour wyl
nat them delpyer/ a writte of rescus-
se lyeth.

¶ A writte de Audiendo
et terminando.

Rex dilecti et fidelibus suis S.
et w. salutem. Sciatis qd assi-
gnauim⁹ vos Iustici nros ad
inquirend per sacm proboz et lega-
lium hoim de com S. per quos rei
veritas melius scire poterit: qui ma-
lefactores/ et pacis nre pturbatores
blada J. ad valen. x. li. apd R. in-
uent bi et armis cepe et asport / et
alia. &c. ad graue. &c. et contra pacē.
&c. ad transgt illam audiend et ter-
minand scdm legem et cōsuet regni
nri Anglie. Et ideo vobis manda-
mus qd ad cert diem et locum: quos
ad hoc pvideritis premissa expleat i
forma pdica fact inde scdm qd ad Ju-
stici pertinet in hac pte saluis nobis
amerciament et alias ad nos inde
spectantib⁹ mandamus em bi nro

A writte
de audiē
do et ter
minādo
isliche.

Natura breuium.

com̄ predict: q̄ ad certū diem et locū/
quos ei scire fac̄ venire fac̄ coram vo-
bis tot & tales p̄bos et legales hoēs
de com̄ predicto: p̄ quos rei veritas
melius scire poterit et inquiri. In
cuius rei testimoniū has l̄as n̄as
fieri fecimus pat: teste. &c.

This writte lyeth in nature of
a writte of Trespasse & lyeth
where any affray or trespassse
is made to anymā agaynst the peace
of our souerayne lord the kynge the
whiche affray or trespassse is hastily
to be redressed & amended/ or other-
wise there shalbe greathurte of peace
or dispaire of the lyfe of thesame mā
thā he whiche is in suche maner af-
frayed or trespassed / or damaged /
shall haue the sayd writ / but he shal
come to the kynge & to his counsell
and shewe in a byll / the maner of the
fray or trespassse. And if he se that it
be to do / he shall graunte to the par-
tye the said writte directed to the she-
ryfe of the same countie / that he cause
to come before the Iustices assigned
to here & determine this affraye / or

Natura breuium. No. 84.

trespasse/tot et tales ppos. &c. these
whiche shall trye suche affrayes and
trespasses. And also the Justices assi-
gned to here & determin these affraies
or trespasses/ shall haue a commission
open/ i which shalbe cōteyned what
they haue to do/ & what shalbe theyr
power. And knowe ye: that the wytt
which shal go to the Sherife is suche.

Rex viē salutem. Assignauerimus
dilectos. &c. R. et W. tibi sciē scē be-
nē fac coram eis tot et tales. &c. de
com tuo: p quos. &c. omnes illi q. &c.
et quorum idem R. et W. tibi scire fa-
cere/ si predictus J. scē: et tunc pone.
&c. quod fuit. &c. Et habcas. &c. teste
&c.

And note: that these wyttes/ Nota.
shall nat be graunted/ but by the kyn-
ge/ and none hath power to here and
determinyng suche affrayes/ but by the
kynge's Justices / and seruauntes /
whiche be sworn to the kynge / and
that is gyuen in the statute of west-
minster seconde Capitulo. 39. whi-
che begynneth. Breue de Transgres-
sione. &c.

Natura breuium.

A writte de Erroze
corrigendo.

A writte
de Erro
ze corri-
gēdo/ is
suebe.

Rex Maiori et viē Lond salu-
tem. Quia in recorde et pro-
cessu/ ac etiā in redditione iu-
dicii loquele que fuit in curia nra ci-
uitatis p̄dicte corā vobis p̄fati viē
sine b̄te nro inter A. et B. de quadez
transḡt cū A. per p̄fati B. illat vt
diē erroz interuenit manifestus sicut
ex querela eiusdez B. accipim⁹. Nos
errozem si quis fuerit / modo debito
corrigi / et p̄tibus p̄dictis plenam et
celerem iustitiā fieri volentes / i hac
parte vobis p̄cipim⁹: q̄ recordū et
p̄cessum loquele p̄dicte corā vobis
in pleno hustingz nro ciuitatis p̄-
dicte venire eaq̄ in p̄sentia partiū
p̄dictoz per vos sup hoc si interesse
voluerit p̄munienđ recitari / et dili-
gēter examinari et errozem (si quis
interuenit) in hac parte debito modo
corrigi / et partib⁹ p̄dictis plenam et
celerem iustitiā inde fieri faci: put de
iure et scdm consuetudinem ciuitatz
p̄dictis fuerit faciendū. &c. Vel sic: vos
p̄fatis viē p̄dictis execuē et securi-
tatem coram vobis inueniendū vel fa

Natura breuium. Fo. 84.
ciendum ad respondendū eidem de su-
per sedeatis. &c.

This wyrt lyeth/in case where
false iugemēt is gyuen in the
comon banke/ before iustices
assigned for to take assises/or before
the Mayre & Sheryfes of London/or
in any other towne fraunchesed/thā
he agaynst whome the iugement is
gyuen shall haue this writte directe
to the Iustices / or other ministers
before whome the iugemēt was gy-
uen. And if false iugemēt be gyuen
in London/thā shalbe made / as be-
fore sayde in the writte of false iuge-
ment/ that they make the recorde &
processe of iugement to come before
the Iustices of the kynges benche.
And also that they cause to warne
the partye/ whiche recovered / to be
afore the same iudges of the kynges
benche to pursue forte in his ple / as
the kynges court shall awarde. And
knowe ye : that whan the recorde &
pcesse are comen before the Iustices
aforesayde / they shall correcte and
amende the iugement if that ryght

Natura breuium.

maye be made to the partyes. And knowe ye: that a writte maye nat be mayntened / but if the iudgemente be of recorde / for if the iudgemēte be gyuen in courte baron / countye / or in hundred / whiche is nat of recorde / than the partye shal haue a writte of **Faux iugement** / and nat a writte of **Errour**. And if any be impleaded before Justices / and the partye take exception before his aduersary / whiche exception the Justices wyll nat allowe / than the partye ought to do / as is ordeyned by the statute of westmynster seconde Capitulo .31. whiche begynneth. **Cum quis implacitatus. &c.** that is to saye / that the partye shal writte his exception / & prae one of the Justices to put his seale to the byll / and whan his byll is sealed he shal go to the Chauncerye of our Coueraigne lord the kynge / and put vp the byll to the counsell. And than the kynge shal make the hole recorde to come afore him. And if the saide exception be nat founde in the recorde than shalbe cōmaunded to the sayde Justice / that he be afore the kynge

Natneabzendum.

fo. 88.

at a certeyne daye/at whiche daye/if
he come & maye nat denye his scale
than shalbe comaunded to hym/that
he go forth to the iudgemente/accor
dyng to the sayde excepcion. And
knowe ye also: that the Registre gy
ueth a writte of Errour/ of faur iu
gemente gyue before the Sheryfe and
his coroners in countye/or in a writ
te of post disseisin/and shalbe redres
sed in the kynges benche. And in the
same maner maye be in a writte of
reddisseisin/ and the cause maye be/
for that / that these writtes of Redis
seisin/and post disseisin/ are of recoz
de/for they shalbe irolled in the chañ
cerye / and the transcripte of them
shalbe putte in thescheker in the ende
of the yere. As it appereth by the sta
tute of westmynster seconde Capitu
lo. 8. in the ende/ whiche begynneth.
Quin per placitum motum. And kno
we ye: that a writte of false iugeme
te shalbe retourned / before the iusti
ces of the comon banke. But a writ
te of Errour shalbe retourned before
the Justices of the kynges benche.
And know ye/that if Errour be made

Natura breuium.

In the checker / it shalbe redressed by
the Chaunceler and treasurer: as it
appereth by the statute of E.3. An.
31. Ca.12.

An Addition.

E.15.

E.3.

Assise brought agaynst the gar-
deyn of a chapel of the kyngs graūt.
And the pleynt was of lande & rent/
and hangyng the assise the gardeyn
resigned to the kyng / and he gaue
that to one J. S. and thassise passed
for the pleyntife / and J. S. was put
out / and brought a writte of Errour
as successour / & assigned for erreur
that his pdecessour was nat named
gardeyne / and that the kyng was
seised hangynge the assise / & it was
awarded / that the writte lyeth for
hym / and the iugement reuerled. The
same lawe is of an abbot or a priour
if hangyng the writte he be depued/
deposed / or decd. And if iugement be
gyuen / the successour shall haue a
writte of Errour. The same lawe is
of a prebendarier. But he that pur-
chaceth hangyng the writte agaisst

Natura breuium . fo. 86.

his fessour he shal nat haue a writte of Errour for that / that he cometh to that by his owne dede / & nat by course of the lawe .

☛ If a Quare impedi / or Trespas / be brought agaynste many / and one confesse the accion / or plede so that he is attaynted / he shal nat haue a writ of Errour / vnto the matter be determined agaynste these other / for the recorde maye nat be remoued before that all the matter be determined / & aft that / he that cofessed the accion maye haue a writte of Errour . **P. 34 . H. 6 .**

☛ If a writ of Dette be brought agaynste two by one ioynt precipe / and the processe is by seueral precipes that is Errour . **P. 7 . H. 6 .**

☛ If the ternaunt in especiall taylor hath issue a daughter / & lose by erroneous processe / and after hath issue a son by another womā / the daughter shal haue a writte of Errour / and nat the sonne . For that / that she is heyre to the speciall taylor / & the son is heyre at the comon lawe . **E. 3 . H. 4 .**

☛ If erroneous iugemēt be gyuen in the kyngs benche the same terme **Pa. 7 . H. 6 .**

Statuta breuium.

it maye be redressed by writte of **Errour** in the same banke/and the rolle shalbe amended: for that/that all tymes the same terme the recorde is in the **Iustices**/ & the rolle is but theyr remembraunce.

D.21.
D.6.

☞ If a recouerye be tayed agaisste tenaunte in taylor/or for terme of lyfe/he in the reuersiō/shal haue a writte of **Erroure** / & reuerse that by the comō lawe/so that the statute is nat but in affirmance of the comō lawe The statute is. Anno.9. Richardi.2. Capitulo.3.

D.4.
D.6.

☞ And knowe ye: that there is a diuersite betwyte a writte of **Errour** and a writte of **Faux iudgemente**: for that/that faux iudgement is nat of recorde/vnto suche tyme that it be here. And if the writte by whiche it is remoued be abated / it is come without warrant. Than it shall conynue before the **luytours**/for it is as no writte. But otherwyse is i a writte of **Errour** / for that was a recorde before. And a recorde maye be broughte in the kynges benche by a iudge of the comon place without writte.

Natura breuium. No. 87.

But these sypours maye nat with-
oute writte.

And a writte of Errour lyeth all
tymes agaynste hym/ that is partye
oz priue/natwithstandinge that he be
nat tenaũte: for that/that the errour
ought to be tryed by the recorde. But
in faur iudgemente/the writte shalbe
all tymes agaynste the tenaunte of
the lande/natwithstandyngc that he
be a straunger to the iudgemente:
for that / that these errours shalbe
tryed by auermente / & nat by the re-
corde: for that/that it is nat a recorde
whiche auermente none shall haue/
but the tenaunte of the lande.

W. 38.

E. 3.

A writte de Conspiratione.

Rex vobis salutem. Si A. fecerit. &c. A writte
tunc pone. &c. B. C. ostens quia de Con-
re conspiratione inter eos apud spiratio
B. prehabet ipsu A. de quibusda la- ne is su-
trocinus/ & alus transgressionib' per che.
ipsum contra pacem nostram apud: A i
com S. indictarent ipsum A. occasio
ne p'dicta apud S. capti et in prisiona

Statuta breuium:
nostra detent quousq in curia nra
cozam dilectis et fidelibus nostris.
R. et R. Justiz nostris ad gaolam
nostram apud S. deliberandū/assignū
inde scdm legē et consuet regni uti
Anglie acquietatus fuisset false et
malitiose procurauerunt ad graue
dampnum ipsi? R. et cōtra formam
pensionis in hmoi casu prouis. Et
habeas ec. teste. q̄c.

This wyrt lyeth in case where
many men are confedered to-
gyther by othe/couenaunt/or
by other cōmunicacion / that euey
one shall helpe other/for to dystroye/
indite / kyll / or cause to appelle any
man/ than he (that is in such maner
appelled or indited) by suche conspi-
ratours and by acquyt by the coun-
tre / he maye haue the sayde wyrtte
agaynst the sayd conspiratours/as
it appereth by the statute De conspi-
ratoribus made in tyme of kyng E.
son of kyng H. Au. 34. And that the
Justices assigned / to here & determi-
ne ple of Treis / or of Felonye hath
power to endre of such conspiratours.

Natura brenium. fo. 88.

And the pzoers is attachement / and pzoers
distres vntill they come. And that a
writte of cōspiracie lyeth nat agaisste
these indytours. As it appereth by
the statute of weestm. 2. Capi. 12. whi
che bēgynneth. (Quia multi per ma
licia. &c.) wyl that a man shall nat
haue a writte of conspiracie of no ap
peale whiche shalbe determined be
fore Justices / whiche are of recorde
for it shalbe inquyred of thabettours
befora them selfe. And if any be foun
de abettoure / he shall haue a wrytte
Judiciall agaynste these abettours
the whiche is gyuen in place of a cō
spiracie. And also a man maye haue
a writte of conspiracy where he is in
dyted within a Cytic Borugh or o
ther towne of any acte or dede be ma
de within the place where they haue
coroners within they? fraunchise /
whan he shalbe acquyted afore the
mayre & the baylyfes of the towne /
and that shalbe sufficient to recorde
the deluctaūcc / if he be another tyme
peached of the same felouye in the
kynges couete. And that everyliche
indytment of the acte made within

Natura.

Al. i.

Natura breuium.

the shire the mayre and the baylyffes maye deliuer hym fro the gaole And also where felonie is maipysed within the same cytye / or borough but if a felon be indyted out of the fraunchyse / and after is taken within the fraunchyse / the mayre and the baylyffes maye nat haue the conuysaunce without lycence of the kynges Justices whiche are assigned by writte to deliuer the gaole of the same countye but to them selfe they maye nat .&c. And the Justices assigned to here / and determyne plec of trespasse / and of felonye hath power / to enquyre of suche conspyratours and the process is. vlt.

*** Addition.**

M. 20.

H. 6.

☞ If a man conspyre to indyte another / and after the conspyratoure is sworne in the enqueste to present for the kyng / & he dothe infourme his felowes that the saide J. S. hath made suche a felonye / and afore that the herdyte be gynn / he is put out of the pancell / a writte of conspiracie lyeth a-

Natura breuium.

fo. 29.

gaynst hym/but if he had be discar-
ged after verdyt/he had be discharged
of the conspiracie/for that / that the
lawe intēdeth that all that/that was
made afore was lawfully made / for
that/that it is executed by his other
Q. and B. by false conspiracy be-
twixte them made/procured certayn
people to indyte. C. of the dethe of one
D. by force of whiche he was indy-
ted and arreygned of the dethe of. D.
and he knoweledged and iustified/by
force of whiche he wete quyte by iud-
gemente in this case C. shall nat ha-
ue a writte of conspiracy/ for that/
that D. knoweledged the felony and
of that was acquyted by force of the
lawe as of a thyngc whiche was nat
felony by the lawe/and it was nat to
Q. and B. to knowelege whether it
was felony or no.

Q. 22.

E. 3.

Li. all.

¶ If one procure diuers people to
indyte me / and after he that procu-
red hath a comission and afore hym.

An. 27.

E. 3.

Li. all.

I am indited. I shall haue a writte
of conspiracy agaynst hym/ & this co-
mission shall nat excuse hym of the
wyngc made befoze / & so it is if a ma

Natura.

Li. ii.

Natura breuium.
bestowne for to enforme the enqueste
this other shall nat excuse hym.

A writte de Compoto.

**A writte
de Com
poto is
suche.**

Rex vobis salutem. Precepe A. q
iuste. &c. reddat B. rationabile
compositum suum de tpe quo fuit
balliuus suus in C. & receptor denario
rum ipsius B. ut dicitur. Et nisi fecerit
predictus B. fecerit te secus. &c. tunc
summat. &c. predictum B. q sit. &c.
ostens quare non fecerit. &c. Et ha
beas. &c. teste. &c.

Proces

This writte of accompte lyeth
in case where any baylyfe/ chā
berlayn or receyuour / whiche
oughte to yelde his accōpt/ wyl nat
accōpt yelde/ than he to whome that
compt ought to be gyuen/ shall haue
the sayde writte/ And the proces is
somonis/ and distres/ & for defaute of
distres. 3. capias and an exigēte whi
che shalbe pelaymed in. 5. countyes.
And knowe ye/ that by the statute of
westm. 2. Ca. 11. whiche begynneth.
De sermentibus balliuis/ that the bay

Statuta breuium. A.D. 10. 90.

lyfe shall render accompt / & if he be
founde in arrearages these auditours
whiche are to hym assigned hath po
wer to committe hym or delyuer hym
to the nexte gaole / and there to abyde
vnder good keppinge vnto he make
grec / but if he be sued & in the suit out
lawed wherby he is taken and put i
pyson in the gaole / than he is reple
uisable. And let the sheryfe / baylyfe /
or Bardeyn of the gaole take good
hede that he be nat let to maynprys
without writte especially to hym di
rected vpo the sayde matter / or with
out the kynges licence / that if he do
he shall yelde to the lorde his dama
ges / and that wyl the statute afoze
sayde / and knowe ye / that executours
of executours shall haue an accion of
dette / of accopte / of goodes / taken of
the fyrste testatour in the same ma
ner as he shulde haue if he were i full
lyfe. And knowe ye / that the same ex
ecutours shall answere to other of so
moche as they haue recouered of the
goodes of the fyrste testatour / as the
fyrste executours if they were on liue
And that wyl the statute of E. the

Natura breuium.

thyrde. Anno. 25. De prouisorib; bici-
taliū. Capitulo .5. And knowe ye /
that the statute of westmynster. secō
de. Capitulo. 23. executours shall ha-
ue a writte of accōpte / and the same
accion and proces / as the testatour
shulde haue / had if he were on lyue.
And also by the statute of Edward
the thyrde. Anno. 4. Capitulo. 8. exe-
cutours shall haue an acciō of Tres-
passe made to theyr testatour / of
goodes and catelles of the testatour
takynge awaye in the lyfe of the tes-
tatour / for to recouer damages a-
gaynst the trespassour / in the same
maner / as these to whome they are
executours shulde haue if they were
on lyue. And also by the statute of
Marl. Capitulo. 17. whiche begyn-
neth. prouisum est etiam. &c. if the
Bardeyn in socage make waste the
heyr / whan he cometh to his full
age / shall haue a writte of accompte
agaynst the Bardeyn / in this ma-
ner. Si. A. fecerit. &c. tunc sum. &c. B.
q̄ sit. &c. ostens quare cū de coi consi-
lio regni nostri Anglie prouisum sit:
q̄ custod terrarum et tenementorum

Natura breuium. fo. 91.

que tenentur in socagio heredum terras
rum tenementum cum ad plenam etatem
perueniunt reddant rationabile com
potum suum de exitibus terrarum & te
nimentozum proueniens de tempore
quo custodiam illam habuerunt ra
tione minoris etatis heredum predicto
rum / idem B. prefat A. rationabile
compotum suum de exitibus proueniens
de terris et tenementis ipsius A. in .R.
que tenentur in socagio / et quorum
custodiam idem B. habuit dum pre
fat A. infra etatem fuit reddere con
tradiere / ut dic. &c. teste. &c. And knowe
ye / that if the place be in countye by a
writte of accompte the partye pleynt
tyfe maye remove the place in to the
comon banke by the done / as in a re
pleyn. And also it maye be remo
ued at the suyt of the defendante /
but nat without good cause / and it is
to knowe / that in the Eschecker at
the suyt of the Citizens of London /
it was awarded that there where
a man impleadeth another by writ
te of accompte / or by pleynt after the
usage / and auditours by assigned by
the courte / the partye shall nat ha

Natura brenium.
ne a writte of. Ex parte talis but the
re where the lord assigneth audy-
tours/then the partye shall haue a
writte of Ex parte talis. &c.

Addition.

M. 9.
E. 6.

☞ The writte was broughte aga-
ynste a woman / & it was chalenged
for that/that there is no suche four-
me in the Chaucherye / & natwithsta-
ndynge was awarded good.

H. 44.
E. 3.

☞ The writte was tempe/quo fuit
balliuis suus in C. and the wrytte
was chalēged for that/that there is
C. & none without addicion / & the
writte awarded good.

H. 31.
E. 3.

☞ The writte was/de tēpe quo fuit
balliuis sui pdecessor;/and was cha-
lenged / for that / that at the comon
lawe he had no accion/and the statu
helpes hym nat/ but the defendaunt
durste nat demure in lawe.

M. 22.
E. 3.

☞ In a writte of acompte againste
a gardeyn in socage it was nat shew-
wed by the writte/ne by the declara-
cion that he is nexte frende/for the
whiche writte was chalenged / and

nat allowed.

☞ In accompte of .10. li. by the ha-
des of A. B. the defendante sayd that
he made a dede to the pleyntyfe / and
to the same A. B. whiche testyfeth
the receyte iudgemente without the
wyngge the dede / this is a good plee
in dyscharge of accompte / and nat in
barre.

An. 1.
H. 6.

☞ In accompte of the receyte of .C.
li. the defendante sayde that accor-
de was take betwyrte the pleyntyfe
and the defendante by theyr frendes
that the defendante in full satisfac-
cion / shall make to the pleyntyfe an
obligacion of the sayde .C. li. for all
dettes / detenues / and increacemētes
that the sayde pleyntife maye encrea-
ce by reason of the receyte. &c. And
that was holden good barre.

A. 22.
H. 6.
Quere.

☞ It is a good plee for the defen-
daunte to saye that he hath accom-
ted afore the pleyntyfe selfe at suche
a place.

H. 4.
E. 4.

☞ In accompte agaynste one as re-
ceyuer / the defendante sayde / that
the pleyntyfe deliuered the money to
hym / and that he shulde go to a Rom

H. 5.
H. 5.

Natura breuium.

berde for to make exchaunge/ and to receyue letters of exchaunge/by force of whiche he receyued the letters/ & these deliuered to the pleityfe without that he was his receyuour i any other mat/th; was holde goodbarre

¶ These pleas folowynge in dyscharge of accompte.

¶.9.
¶.4.

¶ In accompte the defendaunte sayde/that after the receyte at **¶.** the money was robed fro hym by certeyne felons/ & that is a good plee in dyscharge of accompte.

¶.12.
¶.4.

¶ In accōpte the defendaunte shal saye / that after the receyte that the pleyntye graunted to hym / that he maye receyue the sayde money in name of paymēte of another some/whiche he oughte to the defendaunte.

¶.3.
¶.3.

¶ In a writte of accompte/ it was supposed that the defendaunte hath receyued. **¶.li.** the defendaunt saide as to. **¶.li.** you poure selfe receyued the sayde. **¶.li.** by a dede that here is whiche testifyeth the same receyte & that was holde no barrebut afore auditours/the plee shalbe allowed.

¶.21.
¶.6.

¶ If auditours be assigned / & the

Natura breuium. 'fo. 93.

partyes be at issue afore them/the au-
ditours shall brynge the recorde to
the Justices of the comon place/and
recorde all that /that was made afore
re them.

☞ If a man accōpte afore the plein
tyfe selfe / he maye nat awarde hym
to pryson / for he maye nat be his
owne iudge / by whiche he shalbe a-
warded to accompte of newe.

Ex. 22.

E. 3.

☞ If a man be founde in arrearages
vpon his accompte / and the Audi-
tours suffre hym to go at large / at
another tyme after they maye nat a
warde hym to pryson.

Ex. 27.

H. 6.

☞ If .ii. executours be / and the one
receyue money due to the testatour
his coexecutour shall nat haue an ac-
cion of accompte agaynst hym for
that money. The same lawe is of .2.
marchauntes whiche hath goodes
in comen.

T. 11.

H. 4.

P. 14.

E. 3.

☞ But if two hath a warde in comen
and the one take all the profytes/the
other shall haue a writte of accompt
and recouer the halfe.

P. 45.

E. 3.

☞ Knowe ye / that a writ of accōpt
lyeth nat agaynst an enfante / for

Ex. 19.

H. 6.

Natura breuitum.
De hatb no discrecion to accompte.

¶ A writte de Exparte talis.

**A writte
de Ex-
parte
talis
is luche**

Rex viſ Theſ/ et baron ſuis de
ſcacario ſalutem. Et parte. W.
capſ & detenti in gaola noſtra
de A. pro art compoti ſui/ quibus A.
de L. ipſum aſſerit ſibi tenere de tem
pore quo fuit balliuus ſuus in B. no
bis eſt oſtenſ. q̄ cum auditores com
poti predicti ipſum W. ſuper codē cō
poto iniuſte grauauit oñand ipſum
de receptis / que non recepit expenſ
aut liberationes rationabiles / et
quia prefato W. iniuriari nolumus
in hac parte vobis mandamus qua
tenus manu ſuffic prefato W. capia
tis in forma predicta/ et ipſum a pri
ſona predicta deliberari fā prout iu
re et ſcōm formam ſtatut ſuit faciend
mandetis tamen custodi priſon pre
dicte/ q̄ ad certum diē et locum quos
ei ſciſ fā/ veniſ fā predictum W. cū
rotul et tal/ per quos compotum ſuū
predicto A. reddidit ad faciend inde &
recipiend in premiſſis/ qđ de tunc & ſe
cūdu formam ſtatuti predicti iuſtitia

Natura brenium. Jo. 94.
sua debet. Et q̄ predictum w. a gaol
predicta prout. Scit fac interim deli
berati fac: teste. &c.

This writte lyeth/in case whe
re seruautes/baylyfes/chāber
leyns or other recepuours/
wh. che are accomptable/ are in pry
son wrongfully for that / that they
auditours wyl nat allowe reasona
ble expenses ne costages / but they
charge the sayde recepuours/ or bay
lyfes with mo receytes than they ha
ue receyued/ thā his nexte frende that
wyl sue for hym/maye haue the sayd
writte of the Chauncerye dyrecte to
the sheryfe that he receyue of the par
tye in pryson foure maynpernours/
that wyl answer body for body to
the barons of the Cheker to be afo
re them at a certayne daye. And also
that the sheryfe shall warne the lord
to be afoze the sayde barons at the
sayde day with his talles and rolles
and if the lord come nat at the daye
limytte/ than the ptye shall go quyte
without daye/ but if he come / & that
daye be founde in arretaggs/thā he

Statuta breuium.

Shalbe ordered as it is ordeyned by
the forsayde statute de seruientib⁹ et
balliuis.

A writte of Dette.

**A writte
of Det
is suche**

Rex viz salutem. p^ret A: q. et.
reddat B. x. libras quas ei de
bet et iniuste detinet / vt dicit^r Et
nisi fecerit / et p^redict⁹ B. fecerit te se
tut^r de. et. tunc sum. et. p^rdictu^m A. q. sit
et. ostēd^r : quare nō fecerit te habeas
ibi sum & hoc b^rcue teste. et.

This writte lyeth i case / where
any sōme of money is due to
a man by reason of any loue /
or of any other contracte to be payed
at a certayne daye / or if any be bound
to any other to paye a certayne
sōme of money / at a certayne daye /
at whiche daye he payeth nat / nor
wyl nat paye / thā he to whome the
dette is due shall haue the sayde
writte. And the p^roces in this writ-
te is / sōmōs / attachemēt / & distress &
for default of distress. 3. capias & an ex-
g^rte p^relaymed in fyue countres. And

p^roces

Natura breuium. fo. 95.

knowe ye / that if a writte of det / tres
passe / or accopt be broughte agaisste
an Archebisshope / Abbot / Prior / erle
or baron / that are lordes of the plia-
mēt / no pces of vtlawry lyeth again
ste thē / but all tymes distres. And the
cause is for that / that it is supposed
that they haue sufficiēt / wherof they
maye be distreyned. And knowe ye /
that a writte of det maye be pleaded
in county / if the det amoūt nat to .40
s. As it appereth by the stat of Gloz
Ca. 8. whiche beginneth. Puruen est
censment que viē pled .&c. And if the
det be of .40. s. or more / thā it shalbe
pleaded in the comō banke afore the
Iustices by writte. Also knowe ye /
that if a contract or couenaūt be ma-
de to exccutours of a dette by reason
of gooddes soldc / whiche were to the
testatour to paye at a certayne daye
whiche daye is paste / and he byngc
a writte of det / the writte shal saye.
Quos ei iniuste detinet: vt dic: & nat
debet / & the cause is for that / that the
debet: suppoſeth pperthe to the ex-
cutours / & the exccutours maye nat
haue pperthe of thynges whiche were

Natura bencium.

*** Addition.**

I.2.

R.2.

¶ Knowe ye/ that somtymes a mā
shalbe charged of a contract made by
his wyfe/baylyfe scruaunte/or other
suche parsones/bye shepe or other su-
che thynge to my vse. I shall answere
for that det/and the pleyntyfe shal
nat shewe in his declaracion that the
bayly hath warrant to bye for me/
but for that/that they come to my
vse. I shalbe charged.

Sp.20.

Sp.6.

¶ But after Newtō/if my scruaunt
or wyfe bye certeyne thiges though
that come to my vse afterwarde. I
shall nat be charged/ but if he bye to
my vse/and ioyne the bynng to the
vse at that tyme of the cōtract made
than I shall be charged if it come to
my vse. Quere of this diuersite.

Quere.

I.14.

Sp.7.

¶ But if a wyfe bye in open mar-
ket/the husbande shall nat be char-
ged for that /if it come nat to the vse
of the husbande / for it maye be that
it shall be charge to the husbande / &
the husbande shall nat be charged of
a contracte made by the wyfe in su-
che maner / but if I comaunde my

Natura breuium. fo. 96.

wyfe to bye thynges necessary. &c.
I shalbe bounde by that comaunde-
mente/ but if my wyfe by thynges to
kepe my housholde/ as brede: and I
haue no knowlege of that / though
it be spende in my house. I shall nat
be charged for them. By fynne
chefe Justice.

¶ In det the pleyntyfe declareth
vpon a cōtracte/ that is to saye if the
pleyntyfe take the doughter of the de-
fendaunte to his wyfe/ that the defen-
daunte shall gyue to hym. xx. li. & the
pleyntyfe sayde that he toke to wyfe
the doughter of the defendaunt. &c.
Synch he demaundeth his det by can-
se of a cōtracte whiche toucheth ma-
trymony / iudgemente if the courte
wyl holde plee/ & nat allowed. &c.

¶ Det agaynst .2. by one precipe
vpon an obligacion/ by whiche these
.2. were bounde ioyntly / and euey one
seuerally in the hole / & the one come
by the capias / and the other made de-
faute / and the pleyntyfe declared a-
gaynst hym that came. And fynch
Justice sayde that the pleyntyfe vpon
this obligacion/ myght haue demaund

Natura.

N. 1.

**H. 31.
E. 3.**

**H. 48.
E. 3.**

Natura brenium.

ded this dette agaynste the ioyntly
or seuerally at his eleccion / & by the
maner that he hath now taken his
writte / the one shal nat answere with
out the other / for whiche cause he
that cometh shal haue *Idē dies* by
maynprys.

P. 38.
E. 3.

¶ In a writte of dette / the pleynty
fe declared that the defēdaūt bought
of hym certayne beastes & other thin
ges to the value .*sc.* And the defen
daunte sayde that the pleyntyfe had
noughte in the thynges solde / but as
executour to one *J.* the whiche *J.*
made the pleyntyfe / & one *w.* his exe
cutours / the whiche *w.* is nat named
in this writte / iugmēt of the writte
& for that / that the pleyntyfe hath de
clared of a cōtract made betwxt the
so that the defendaūte is becomē det
tour to the pleyntyfe the writte was
awarded good.

M. 49.
E. 3.

¶ Knowe ye / that it is sayde in a
writte of waste .*sc.* that if a woman
beyng bounde in an obligaciō take
a husbāde / the husbāde shalbe char
ged of the dette durynge the lyfe of
his wyfe / & after her det he shalbe dis

Natura breuium. fo. 97.

charged/excepte that iugement be gy
uē agaiſte the in the lyfe of his wyfe.

Note ye/that is ſayde if a mā be
boūde to a womā ſole & the wyfe take
a huſbāde/& the daye cōpꝛyſed withi
the obligacion paſſeth durynge the
maryage/if the huſbāde dye without
releaſynge or acquytynge the obli-
gour/the wyfe ſhall haue an accion
of dette vpon that oblygacyon after
the deth of the huſbande. Quere if
the executours obteyne the obliga-
cion/if they ſhall haue the ſayde obli-
gacion.

I. i. l.

R. 2.

Quere.

A writte de Catallis reddendis.

R Ex viē ſalutē. Precipe A. q. &c. reddat B. catalla ad valenē. r. li. que ei iniuſte detinet vt diē & niſi fecerit/& p̄dict⁹ B. fecerit te ſe-
cut⁹ de clam ſuo pꝛoc⁹/tunc ſum. &c.

**A writte
de Catal
lis red-
dendis.
is ſuche**

This writte lyeth / where any
goodes are deliuered to any
mā to kepe vnto a certayn day
at whiche daye he cometh and de-
maūdeth his goodes / and the other

Natura.

R. ii.

Natura breuium.

Proces

Witholdeth them / than he shall haue
this writte. And the proces is as in
a writte of accompte. And that is gy
uen by the newe statutes of. E. 3. An.
25. de prouisiu victualiu. Ca. 17. that
is to saye somons / attachment / and
distres / and for defaute of distres / pro
ces of vtlawry / and these proces is
gyuen in detenue of gooddes / as in a
writte of accompte. vt p³ sup. And it
is to knowe that in a writte of dete
nue there shall nat be sayde / que ei de
bet. Ne in a writte of dette / if execu
tours aske of executours gooddes or
dettes / the writte shall be all tymes
que iniuste detinet. And afore the Ju
stices of the banke. Quos ei debet et
iniuste detinet / except it be of gooddes
than the writte shall be. Que iniuste de
tinet tm. And if the dette be deman
ded afore the Justices in Eyre / the
writte shall be / quos ei debet tm. And
if of gooddes / que iniuste detinet tm.
And if the plee be of dette / or detenue
amountynge to the some of .xl. s. or
aboue / and is pleaded in countye or
courte baron without writte the par
tye shall nat haue a writte of false in

gement/ne a writte of executione iudiciu/excepte to the courtes of Cyties or in other places that hath iurisdiction by custome. And also if the plee of dette be moued in countye that amounteth to the some of. xl. s. or more/ the pte defendaunte maye haue a supersedias dyrecte to the sheryfe that he cesse in the plee. And note ye that a mā maye haue a writte of **Done Recordare** in these writtes as in a writte of accompt. And also a man maye haue a **sup^s directe** to the baylyfes of any courte if they holde plee of dette or of goodes that amounteth to .xl. s. or aboue. And also in many other cases touchynge dette or gooddes/as it appereth by the **Registre**. And note ye/that certayne proccs is gyue agaynst executours/& delayes put out in suche ples by the statute of **E. 3. Anno. 9. Capi. 3.** If a mā dye intestate/and the ordynary make deputye the moſte nexte frende of the deed for to minstre his goodes/these deputies shal haue acciō to demaūde dettes dewe to the deed person as executours shal/& answere in the kynges courte to other / to whome the

Natura breuium.

ges courte to other / to whome the
sayde deed pson was bounde in obli-
gacio in lyke maner as executors
shall answer / & are acceptable to the
ordinaries as executors are. An. 31.
E. 3. Ca. 11. & also by westm. 2. Ca. 19
whiche begynneth. Cū post mortem
ec. the ordynary shall answer of the
dette in whiche the deed was bounde
as ferre as the goodes suffiseth / in ly-
ke maner as executors shulde if the
deed had made his executors. And
in case that the ordynary make his
executors & dye afoze that these det-
tes whiche the deth ought be payed
than these to whome the sayde dette
was due / shall haue a writte of dete-
nue agaynst the executors of the
ordynary. An. 11. E. 3. And in. An. 15
E. 3. one Robert pykeringe brought
suche agaynst the executors of the
ordynary. Note of what by alymetes
& possessions of goodes / a man shalbe
charged.

Nota.

¶ Addition.

**M. 9.
D. 6.**

¶ If I make a writtynge sealed /
and that deliuered to J. D. vpon cer

Natura breuium. fo. 99.

sayne condicions to be perfourmed/
& thā to delyuer to K. R. and K. R.
obteyne the dede/the condicions nas
perfourmed/ I shall haue a writte of
detenue agaynste J. S.

☞ If any father delyuered to K. a
dede of feoffemēt to redeliuer to hym
and to his heyres / & one J. obteyne
the dede / I shall nat haue accion a-
gaynste J. if I haue nat the lāde/for
if a straunger haue the lande the dede
belongeth nat to me / for it belōgeth
to the executours.

☞ But if be enfeoffed by dede with
a warrante/and after I enfeoffe ano-
ther in fee /and bynde me and myne
heyre to warrante and dye /if any ha-
ue the dede by whiche I am enfeoffet
my heyre shall haue a writte of dete-
nue /and so if my father be disseysed
and dye. I shall haue a writte of dete-
nue though that I haue nat the lāde
And of Chartours takyn out of my
possessiō/my executours shall nat ha-
ue accion of detenue.

☞ A dede or any other thyngc dely-
uered to a mōke vpo condiciō to rede-
lyuer / a man shall nat haue accion

Natura breuium.

agaynst the Abbote & his monke for
the monke maye nat charge the Ab-
bote agaynst his wyll/ but of a deli-
uere made to a mōke to deliuer ouer
to the Abbote vpon a condicion .&c.
if the Abbote parfourme that/thā he
shall haue the thyng for euer: nowe
the Abbote shalbe charged alone /
without namynge the monke with
hym.

D. 38.

E. 3.

☞ The same lawe is of a deliuerie
made to the husbāde and to that
wyfe / the writte shalbe broughte a-
gaynst the husbāde alone/ otherwy-
se the writte shall abate.

D. 39.

E. 3.

☞ But if a womā cometh to a thyn-
ge as executrix / whiche woman ta-
keth a husbāde / nowe the accion
maye be broughte agaynst the hus-
bāde & the wyfe ioyntly .

D. 41.

E. 3.

☞ And if the wyfe hath coexecutors
with her/it is no plee for her and her
husbāde to saye /that her fyiste hus-
bāde made his executors / we the
sayde husbāde & wyfe / & one J. whi-
che is in full lyfe nat named .&c. for
the possession chargeth hym.

D. 43.

E. 3.

☞ Note ye/that a man shall haue a

Natura brenium. No. 100.

Writte of Detenue agaynst the husba
de and his wyfe of a delyuere made
to the wyfe whan she was sole afore
the maryage.

¶ In Detenue of Chartours/the te
naunte maye pleade a redelyuere i a
nother countye/and the reason is/for

that/that he maye nat wage by lawe

¶ A man maye nat wage his lawe
in Detenue of Chartours.

¶ But in Detenue of .xx. quarters
of whete he maye wage his lawe.

¶ And if .ii. writtes be brought by
diuers pleyntyes agaynst the defē
daunte of one thyng/he maye praye
that they maye enterpleade/ as if .ii.

bryngge senerall writtes of Detenue a
gaynst one of one obligaciō/ & every
one declare of a senerall delyuere ma-
de by them /in this case they shall en-
terpleade notwithstandinge the de-
clarynge of scuerall delyueres / for
that / that it is nat trauctable / but
conueyaunce to the accion.

¶ If .ii. writtes be brought agayste
one man of one thyng / and the one
pleyntye declare of one delyuere in
the countye of .S. and the other de-

ps. 6.

h. 6.

ps. 8.

l. 4.

ps. 6.

l. 4.

ps. 3.

h. 6.

ps. 7.

h. 6.

q. 14.

h. 6.

Nota brevis.

clare of a delivere in the countye of.
¶ In this case they shall nat enter-
pleade/for it maye nat be indetted one
delivere of one thyng / and the de-
fendaunte shall answer to bothe the
pleyntyes.

T. 18.

E. 3.

M. 3.

H. 6.

M. 12.

H. 4.

¶ But if the defendaunt confesse the
accion of one of these pleyntyes the
other shall have his remedy by his
acciō / & they shall nat enterplead.

¶ And if the partyes be awarded
to enterpleade / he that hath the writ
te of elder date ought to declare fyrste

¶ Note that whan the defendaunte
in a writte of detynue prayeth gar-
nyshmente / he is out of the courte
mayntenaunte for to pleade any plee
but he hath daye in courte to deliv-
er that / that the pleyntye deman-
deth to hym to whome the courte a-
warded.

H. 12.

H. 4.

¶ If I & another delivuer a thyng
to kepe and to redelivuer to vs / or to
the one of vs / in an accion broughte
by one of vs / it was sayde that the de-
livuerie was in maner voyde / for it
is in no certeynte to whome it shalbe
delivered / but admitte that the acciō

Natura brenium. No. 101.

was broughte by the one of vs. Que Quere.
re. If the garnyshe shall haue the
pice in abatements of the wrytte for
to shewe the matter in so moche that
the defendaut hath admitte the writ
te good. And the oppynion was that
the wrytte broughte by the one shall
abate.

**A wrytte de Catallis nomine
distinctionis.**

This wrytte de Catallis noie A wrytte
distinctionis capty reddeð maye de Catal
nat by mayntayned in no pla- lis noie
ce but within a bozugh / or within a districti
house for ret goynge out of the same onis.
house/where a man maye take the
dores / wyndowes or gates.

A wrytte de Cartis reddendis.

Rex viē salutem. Precepe A. q. A wrytte
et. reddat B. quandā cistā cum de Car
cartis scriptis et aliis muni- tis red
mentis ac diuersis cartis et bonis in dendis.
ead cistā contentū sub scruta ipsius B is sucha
clausam/quam. et.

Natura bremium.

R Et viē salutem. Precipimus
tibi q̄ A. iustices: quod iuste.
ē. reddō B. quādam cartam/
vel duas cartas/vel tres/vel quoddā
scriptum oblig. vel quoddam scriptū
conuentionale/quam vel quas ei iniu-
ste detinet/ut diē/ sicut rationabiliter
monstrare poterit/q̄ ei reddere debeat
Ne amplius inde clam̄ aud̄ pro defe-
ctu iustitie: teste. ē.

proces

This writte lyeth i case/ where
any wrytynge or Chartours
of feoffment are deliuered to
any man to kepe/ and he/ to whome
the wrytynge were deliuered / wyl
nat them redelyuer whan the other
these demaundeth shall haue this
writte. And knowe ye/that it is con-
ueniēte for hym to shewe the certeyn-
ty of this Chartours demaūded / or
otherwyle th; writte shal nat be mai-
teyned. And the proces is somōs at-
tachement / & distress/ vnto the par-
tye come. And no proces of vtlawry
lyet in this writte / for that / that it
toucheth freholde. And in plee that
toucheth freholde/ no proces of out-
lawry is gyuen but by the newe sta-

Natura breuium.

No. 102.

Inte s of Edwarde the. 3. Capitu. 25.
poces of vtilawye is gpe in a writ
te of dette/detinue of gooddes / as in
a writte of accompte.

¶ A writte de Audita querela.

Rex Iusticiis suis de banco salu-
tem. Ex graui querela J. acci-
pinus: q̄ cum idem J. nup̄
cozam J. de. w. tunc maiore vill. w. &
T. de S. tunc clerico. &c. recognoui-
set se debere A. T. si. ad certos termi-
nos indicta recognitione content̄ sol-
uend̄/ac idem A. post modū per quā-
dam indenturam inter ipsos A. et J.
concessit: quod si predictus J. solue-
ret predicto A. singulis annis ad .4.
anni terminos per euales portio-
tiones quend̄ redd̄ .xl. s. ex eunt de
terrīs & tētis predicti J. aut R. fra-
tris eiusdem J. in villa de R. & in su-
burbio de R. ad totam vitam ipsius
A. q̄ tunc predicta recognitio. T. si.
penitus cassetur/ et pro nullo habe-
retur prout per alteram partem inde-
ture predicte per dictum A. sigillat̄:
quam idem A. penes se habet/vt asse-
rit/plenius poterit apparere. Et licet

A writte
de Audi-
ta quere-
la is sus-
che.

Natura breuium.
predictus J. dictum redditū. xl. s. pze
fat A. singulis annis ad terminos p-
dictos equis portionibus a tpe reco-
gnitionis p̄dicte cōfect vsq ad festū.
Pasche. An. tñ / bñ et fideliter solue-
rit / et eund redditū eidē A. semp acte-
nus a festo predictō vsq ad eodō termi-
nos soluere parat⁹ fuerit & adhuc ex-
istat / prout vicib⁹ et modis quibuscū-
bet cōuenit paratus est soluere eidem
A. executionem dictarum. C. li. de ter-
ris & tenementis ipsius J. p̄textu re-
cogn̄ p̄dicte p̄sequitur min⁹ iuste in
ipsius J. non modicū grauamen. Et
contra vim et effectū indenture pze-
dicte. Et quia eidē J. iniuriari nolum⁹
in hac parte vobis mandamus: qd bi-
sa altera parte indenture p̄dicte et
vocatis coram vobis pertibus pze-
dictis auditis que hinc inde earum
rationibus vltcrius in hac parte fic-
ri faciatis / qd de iur̄ et secundum con-
suet̄ regni nostri Anglie fuerit faciendū
teste. &c.

This writte lyeth in case / whe-
re a mā is holdē to another / in
a certayne some of money / by

Statuta breuium. fo. 103.

statute marchaunte/to paye at a cer-
tayne day: or other wyse/that he shal
forfeyte the penaltie of the statute
marchaunte/within whiche day/the
creasour releaseth to the dettour the
same some/or otherwise by coucnant
of indenture betwixte the made /that
is to saye/that the dettour shal paye
to the creasour a lesse some of monye
euery yere by lytell parcelles vnto
that same some be fully contented &
payed/& if he do / that the other shal
nat sue the statute/than nat withsta-
ndynge the release or indenture / the
creasour sueth to the Mayre and
baylyfes for execution of the statute/
that is to saye / that the dettour be
taken /and put in pryson / vnto the
dette be payed/than be/to whome the
release or indenture was made / or
his nexte frende / shall come to the
Chaunceler and shewe the release to
hym / than this writte shalbe graun-
ted and dyrected to one of the Just-
ices of the comon banke / & after that
he shall haue somons /out of the co-
mon banke to the sheryfe in what
county so euer that the creasour is in

Statuta breuium.
to cause hym to come at a certayne
daye/ at whiche daye if he come nat/
than he shall be distreyned / and if he
come nat at the distres retourned / the
other shall be restored to his lande.

*** Addition.**

**Ed. 31.
E. 3.**

¶ One was take by a Capias/vpō
a certificat of a statute marchaunte/
and shewed forth acquitaunte of the
pleyntife/and prayed/that he might
be demaunded/and so he was / & ap-
pered nat/wherfore the defendaunte
prayed/that it be recorded / and to hi
it was denyed/for that/that he hath
no daye in courte/wherfore he prayed
a Clemenre fac/or a scire fac / agaynst
the pleyntife to answer to the dede/
and to hym it was denyed / & it was
awarded th at he shall sue Audita que
rela/or elles he shall be withoute re-
medye.

**Ed. 44.
E. 3.**

¶ The writte of Audita querela re-
herseth howe the recognise hath rele-
sed all accions by his dede / and also
that he hath released by indenture
vpō certayne condicions the whiche

Natura brenium. fo. 104.

Was fulfilled & the wrytte was shal-
leged for that / that it reherceth these
it titles / where one extinguysheth
the hole / wherefore the court award-
ed / that the plaintife shal holde him
to the one and so he helde him to the
release.

¶ Note that it behoueth all tymes
that the Audita querela make men-
tion of the release acquaintance or de-
fesaunce / for other wyse the plaintife
shall nat haue a Superſ.

¶ And we ye / that if one Audita
querel be chalenged / for that / that
it dothe nat accorde to the statute /
and the recognisour putteth afore
another wrytte of Audita querel / &
prayeth that the defendaunt make
answere to his dede / in this case if
the defendaunt wyl nat answer (now
whan he hath day in court to an-
swer) to this .ii. wryttes / thā a Ve-
nire fac upon the .iii. wrytte shalbe
awarded / & a Superſ to the sherife /
& that is a disauantage of the defen-
daunt that the first wrytte is abated.

A wrytte of Exrecognoscat.

Natura.

D. 1.

M. 28.

E. 3.

T. 25.

E. 3.

A writte
of Si re
cognosc
isliche.

Natura breuium.
Rex salutem. p[re]t[er] tibi q[ui]d
A. recognoscat se debere B.
xl. s. sine vltiore dilatione:
tunc ipm distingas ad predict[um] debitum
eodem B. sine dilatiōe redd[ere] test[is]. &c.

This writte lyeth / where any
man oweth to another a cer-
teyne dett / & the dettour know-
legeth afore the sheryfe in his countie
that he is dettour to one suche: than
he (to whome he is dettour / after the
recognisaunce made) shall haue the
sayd writte. And by this writte he
shalbe distreyned vnto he hath made
gree to the ptye for the dett. And note
that this writt lyeth nat / bu of mo-
ney nombred.

**A writte de Executio-
ne facienda.**

A writte
de Exec
faciend /
isliche.

Rex salutem. Monstrauit
nobis B. q[ui]d cū ipse nuper im-
placitasset in com[uni] tuo per v[er]be
nostrum A. de debito C. s. et idem A.
in pleno com[uni] illo recognouit se debe-
re p[re]fato B. eandem pecuniam ad

Natura breuium. No. 105.

certum terminum reddendū/tunc ter-
mino illo elapso et eandem pecuniā
eidē B. nondum soluit illam ad que-
rimoniam suā scdm recognitionem
prect hucusq hēre non fecisti in ipsi
B. dāpnū non modicū et grauamē.
Et qz idē A. put iustum fuit sub-
uenire volum⁹ in hac parte tibi prect
q si ita est pecuniā illam de bonis et
catallis ipsi⁹ A. in ballua tua leua-
re et illā eidem B. hēre fac sine dila-
tiōe ne clam ad nos inde proueniat
iteratus: teste. &c.

This wyrt lyeth/where a man
impleadeth another in contic
before the sheryfe/ and he that
is the dettour maketh there a reco-
gnisaunce before the sheryfe to paye
to the plintife the same somme at a
certeyne day/the which day passeth
and the somme nat payed/nor the re-
cognise wyll nat paye the sayd some
to the plintyfe / than the pleyntyfe
shall haue the sayde wyrtte that is
called de Executione faciendū/ de re-
cogn facta i com/ directed to the shc-
ryfe comaūdyng hym that he make

Natura.

D. 11.

Natura breuium.
execution of the same knowlege.

**¶ A wrytte de Secta
molendini.**

**A wrytte
de secta
molendi
ni is sus
che.**

Rex viç salutem. Preterea A. q. iur
ste et sine dilatiõe fac sectã ad
molendinũ B. de C. quã ad
illud facere debet et solet: vt dic. Et
nisi predictus B. fecerit. &c. tũc sum
&c. q. sit. &c. ostens. quare non fece
rit. Et habeas. &c. teste. &c.

This wrytte de sect molendini
(beyng in the debet & solet)
is a wryt of ryght & lycth be
thwixte straunge psons for suche sūpte
withdrawen. And if the lorde aske
sūpte of his tẽt / he maye distreyn
and aduowe the distresse to be reso
nable. And that was vsed in tyme of
E. son of kynge H. and suche wryt
maye be made in the countie and in
the banke / as it appereth by the re
gistre.

**¶ A wrytte de Quod
permittat.**

Natura breuium. Fo. 106.

Rex viē salutē. ꝑꝛocipe A. ꝑ in
ste. &c. et sine dilatiōe ꝑmittat
B. hēre toēm pasturā in A.
de qua C. pater predicti B. cur⁹ he-
res ipse est fuit seiscitus: vt de feodo
tanq̃ ꝑtineñ ad liberū tēntum suum
in eadem villa die quo obut: vt dicit.
Et nisi. &c.

A writte
of quod
ꝑmittat
isliche.

This writte lyeth: where a mā
is disseysed of comon pasture/
and the disseysour doth alȝen
& dyeth / & his heyre entreth / or the
disseisi dyeth / than the heyre of the
disseyſi / or the disseyſi selfe / shal haue
the sayde wytte. And note yē: that
a Quod ꝑmittat was vſed: hēre ra-
tionabile estouarium in bosco / vel in
turbaria et similib⁹. But in place of
this wytte is gyuen Assise de nouell
diss. as it is sayd in the statute of w.
2. Cap. 25. whiche begynneth. Quia
non est aliqd̃ bñc &c. For by the sta-
tute is ordeyned: that if any be dis-
seysed of his turbarye / spyllynge / or
of any other luche lyke that belon-
geth to his freholde for terme of his
lyfe at the leſſe / he shal haue Assise of

Natura breditur.
nouell disseysine. And also by the sta-
tute of westm. 2. Capit. 24. whiche
begynneth. In quib^{us} casibus. &c.
that if any persone of holy church
be disseysed of his comon of pasture
(lyuyng the disseysour) he shal haue
Assise of nouell disseysine of comon
of pasture. And in the same maner
wyl / that the successour shal haue
a wyrt of Admittat agaynst the
disseysour or his heyre. But in case
wher they are many comoners / whi-
che hath comon of pasture togyther
by dede or couenaunt. And that the
lorde lyue vpon the comon a mylle
or a backehouse. The comoners shal
nat haue Assise of no. diff. but shalbe
helped by the comon law vpoⁿ theyr
couenaunt or especialtye. And that is
gyuen by the statute of westm. 2. Ca.
4. 6. whiche begynneth. Cum in sta-
tute. &c. i the ende. And note ye: that
whan this wyrt is in the debet with-
out the solet / a man ought to declare
of the seyson of his ancestour / and
shal holde his suyte decreyued good /
than lyeth batayle or great Assise.
And whan the wyrtte is i the debet

Natura breuitur. Fo. 107.

and the solet/ and a man that declare
of his owne seyson/ and nat to sape/
to holde his suyt decreyued good/ and
thys wytt shalbe tryed by the conquest.
And this wytt shalbe pleaded/ as
a wytt of Trespas by attachement
and distresse/ and nat by the graund
Cape. or petit Cape. And it is to
knowe / that if a free ternaunt be put
out of his comon of pasture by his
lorde / or if the lorde hath approued
contrarye to the statute of Merton.
Cap. 4. and agaynst the statute of
westm. 2. Ca. 46. so that the ternaunt
hath no sufficient pasture / he shall
haue Affise of nouell dis. of comon of
pasture. And if the pastur be surchar-
ged by one fre ternaunt / they that haue
a wytt of Admesurement. But if
the ternaunt surcharge the pastur / the
lorde shall nat haue a wytt of ad-
mesurement agaynst the ternaunt /
nor the ternaunt agaynst the lorde /
but the lorde shall haue Affise of no-
uell disseysine de libero seruiceto / or
hoc dubitat. And knowe ye: that a
wytt of Disputtat may be pleaded
in the countie before the Sheryfe. &c.

¶ Natura breuium.

maye be in the debet and solet / or in
the debet without the solet / accor-
dyng as the demaundaunt clameyth.
And if a man be disseysed of his co-
mon of pasture / and the disseysour
dyeth & his heire entreteth / the disseysour
shall haue a wytt of **Quod pmittat** /
& shall make mencion of the disseysour.
And if aft the dethe of the disseysour
or his heires a straunge purchasour
entreteth / he shall haue a **Quod pmittat**
in the debet & solet / whiche shall trye
the ryght. And if he demaunde comon
of pasture of the scyson of his aunce-
stour the daye of his dethe / he shall
haue a wytt of **Quod pmittat** / that
shall make mencion of the scyson of
his auncestour / the whiche is in na-
ture of **Mortu**. But if a straunger en-
tre after the dethe of the disseysour /
he shall haue agaynst the straunger
no other wytt but the **Quod pmittat**
in the ryght. And knowe ye: that a
Quod pmittat lyeth of comon of tur-
barie / tyllhyng / and of reasonable
estouers agaynst the disseysours of
a disseysine by hym or his acestours
made to the pleyntiffe or his ances-

Natura brenium. fo. 108.
flours/ & in no other degrees. Note
ye: that in the **Admittat** / that is
of the nature of the **Mordancestour**
maye nat be pleaded in the contye.
But the **Admittat ad certū nu-**
merū auerion maye well be pleaded
in contye in the comon banke / or in
Epse.

*** Addition.**

☛ In a **Admittat** in the debet &
solct / of a way / of his owne seyson / it
is cōueniēt for the pleyntife to clay-
me the way in his declaraciō by pre-
scription or by dede: for that / that he
claymeth to take suche profite in the
seuerall of another person.

T. 30.

H. 6.

☛ Note ye: that if a man & all his
ancestours / were wont to grynde at
my mylle without multure / and the
mylner wyl nat suffer hym to grynd
without multure / wherby the myl-
ner taketh multure. In this case a
man shall nat haue a wrytte of **Ad-**
mittat / but a wrytte of **Trespas.**

M. 41.

E. 3.

☛ And note ye: that there is foure
maners of **Comons** (that is to say)
Comon appendant / **Comon appur-**

Nota.

Natura brenium.
tetaunt / Comon in gros / & Comon
par cause de visenage.

Th. 4.

Th. 6.

An. 11.

Th. 6.

Comon appendaunt: is there/
where a man is leased of a maner to
whiche he hath comon in other seue
call appendaunt to the same maner.
And this comon maye nat be oecu-
pyed / but with his proper beastes / &
suche as doth cōpester his lande.

A. 21.

Th. 6.

**And if a man clayme comon ap-
pendaunt / he ought to clayme it by
reason of a mesuage / other wyse it is
nat good.**

Th. 4.

E. 3.

And note: that a man may have
comon of fellhyngge belongyng to
his house aswel as comō of pasture.

Th. 4.

E. 3. et

Th. 5.

Th. 7.

**And knowe ye that Comon ap-
pendaunt maye nat be severed from
the landes to whiche the comon is
belongyng. And if tenementes / to
whiche a comon is belongyng come
in the possession of hym that hathe
the lande out of whiche the comon
is purchasid / than the comon is ex-
tinguysshed in his person. And if the
tenementes afterwarde / be severed
by alienacion / as they were afore**

Natura brenium. fo. 109.

than the comon is appendaunt / as
it was before / after Scot.

☛ Comon appurtenaunt is: when a
man prescribeth to have comon ap-
pendaunt to his lande with all ma-
ner of beastes / and this comon may
be made in gros.

☛ Comon in gros is: where a man
prescribeth / that he and his aunces-
tours hath had comon in the lande
to beastes without nombre / and he
may occupy this comon / with what
maner beastes that he wyll / and
maye take beastes of a straunger to
gyfte. &c.

☛ Comon par cause de visinage is
where the towne of Dale / and the
towne of Sale are adioynynge / and
the lord of Dale and his tenement
hath vsed to comō i the wast grounde
of Sale / by cause of his neyghbour-
hede.

☛ And note ye: that to lande new-
ly approued: a man shall nat haue
comon: but to auncient lande hyde
and gayne.

☛ If a man graunt to me to comon

I. 37.

H. 6. c.

M. 5.

H. 7.

An. 11.

H. 6.

An. 22.

H. 6.

H. 10.

E. 2.

An. 9.

H. 6.

Natura breuium.

With me beastes whersocuer his bea-
stes go / and after he occupieth and
manureth **L.** acres of lande with
his beastes / and after it happeneth
so/that he hath no other beaſt; / yet
I ſhall haue me comon in the ſayde
L. acres of lande. But if a mā graūt
to me to comon whersocuer his bea-
ſtes gothe (it is ſayd) by **Martyne**
that I ſhall nat haue comon / but
whan he comoneth .

Nota.

Proteye : that it was ſayde by
Jayſar: that if one hath a way/be-
longynge to his maner / or to his
houſe by ſcripcion / this way maye
nat be made in gros : for that / that
none maye take pſite of that waye/
excepte he that hath the houſe / to
whiche the way is belongyng. But
a Comon appurtenāt may be made
in gros / & auowſon appendaūt may
be made i gros: for that / that people
maye haue pſite of them / nat with-
ſtandynge that they haue nat the
lande . But of Comon of **Estouers**
to be vſed in a houſe / may nat be ſe-
uered and be made in gros / nor Co-
mon appendaunt / whiche is by the

Natura breuium. **fo. iic.**
reason of the tenure. &c.

¶ A wytte de Quo iure.

R Ex vi. salutem. Si A. fecerit
te secut. &c. tunc som. &c. B. q
sit coram. &c. ostens quo iure
exigit comuniam pasturam in terra
ipsius A. in L. sicut idem B. nullas
habet comuniam in terra ipsi⁹ A. nec
idem B. seruitia ei facit: quare com-
muniam in terra A. habere debet / vt
dicit. Et habeas ibi sum & hoc breue
teste. &c.

**A wytte
de Quo
iure / is
suche.**

This wytt lyeth / where a man
hath comon of pasture i ano-
ther mans seuerall (after the
tyme of the memorye vnto this pre-
sent daye) than he to whome the se-
uerall belongeth / shall haue the sayd
wyttc / by whiche he shalbe charged
to answer / by what tytle he clay-
meth to haue comon of pasture in the
seuerall of the pleyntyfe. And note **Nota.**
ye : that the lorde maye nat put out
the tenaunt of the comon : for if he
put hym out / he maye haue assise

Natura breuium.

Proces

agaynst the lorde: for that/that the tenaunte was seysed of the comon after the limitation of assise. But it is conueniēt that the lorde haue this wyttē/ and this wyttē is gyuen to trye the ryght. And the proces is in this wyttē Somons/ attachemēt/ and distresse./ vnto the partye comē/ and whan the partye cometh & pleaseth in the ryght to the accion / and after make defaute / than shall go a Braunde distres in place of a petit Capc. And this wyttē shall be determined by batayle/or by grand Assise as well as any other wyttē of ryght.

*** Addition.**

An. 2.

E. 3.

And knowe ye: that this wyttē lyeth for the tenaūt of the ground/ but nat for hym that claymeth comon by Herle.

T. 11.

H. 3.

A Quo iure brought by two/ the one was nonsuit/ and the other was receyued to sue sole / and the defendaut iustified by prescription. &c. and therfore he went quyt.

H. 14.

H. 3.

A Quo iure maye be broughte

Natura breuium. Fo. i i i.
agaynst seuerall ternautes. Or if
they and they? ternautes enterco=
mon by cause of visnage/or of tyme
where of memoze dothe nat conne/
though that the one gayne all his
lande or inclose/pet he shal haue his
comon with the other/and the other
shall haue a wytte agaynst hym
for to haue his comon.

**A wytte de Admensu=
ratione pasture.**

Rex viſ salutem. Quæſtus eſt
nobis A. q. B. iniuſte ſupero=
nerauit cõmunem paſturam
ſuã in R. Ita q. i ea plura habet ani=
malia et pccora q̃ habere debet / et
ad ipſum pertinet habendũ. Et ideo
tibi præcipimus: q. iuſte et ſine dila=
tione admeſurari facias paſturam
illam. Ita q. prædictus B. non habes=
at in ea plura animalia et pccora q̃
habere debet / et ad ipſum pertinet
habendũ ſecũdum liberum tenemen=
tum ſuum quod habet in eadez villa
Et q. prædictus A. habeat i paſtura
illa tot animalia et pccora que habere

**A wytte
de admeſ=
ſuratione
paſture/
iſſuche.**

111.07 *Natura brevium.*

Debet et ad ipsum pertinet habendus
ne amplius clamat aut pro defectu
recti: teste. &c.

This wryt lyeth: where there
are many free tenants; which
hath comon of pasture belon-
gynge to theyr freholde / and one of
them surcharge the comon / other-
wyse than he ought / than he that is
grieved by this surcharge shall have
this wryt. And knowe ye: that this
wryt lyeth for one of the comoners
or for all / but they shall nat have it
agaynste the lord. And if one of the
brynge a wrytte of Mesurment all
these comoners shalbe amesured / as
wel these that brynge not the wryt /
as he that bryngeth the wryt. And
Proces the proces is in this wrytte / as is or-
dained in the statute of w. 2. Ca. 7.
whiche begynneth. Custodi de cetero
&c. that is to say somons: attache-
ment / & distresse pemptorie with pro-
clamacion made in two cortis. And
if the party come at the pclamacion
than the ple shal passe betwixte the.
And if he come nat at the pclama-

Natura brenium. **Jo. 112.**
cion/than the mesurment shalbe made
de by his defaute.

*** Addition.**

Note ye: that in this writte/ it is **A. 8.**
no plee for the defendaunte to save/ **E. 2.**
that hangynge this wytte the de-
maundaunte put hym out of his co-
mon/and of that he hath assise han-
gynge: for that / that he is seysed of
the tenementes/ for the whiche he sur-
charged the pasture.

If I haue comon in a maner by **Enters**
cause of visinage / and the lorde sur- **E. 1.**
charge the comō/ I shall haue a writ-
te of Mesurment agaynste hym : for
that/that I am nat his ternaunte.

And knowe ye: after Huse/ if ther **P. 19.**
be but two neybouris in a towne / **E. 3.**
whiche entercomoneth in other lāde
a writte of Mesurment lyeth nat be-
twyxt them / for the one maye nat
saye/that the other hath surcharged
his comon / for his comō is the fre-
holde of the other/ & hys freholde may
nat be surcharge.

This writte lyeth nat agaynste **A. 22.**
E. 3.

Natura.

P. 1.

Natura breuium.

1. a. 2. ff.
plito. 45

hym whiche hath comon appendant
nor agaynste hym that hath comon
by especialte to beastes without nom
bre. But agaynste hym whiche hath
comon appurtenaunte / and comon
by especyale to a certayn nombre
of beastes. &c.

2. 7.
2. 6.

In a writte of Mesurement of
pasture/he declared that where the
defendaunt hath comon in a certayn
place bycause of his tenure / & there
hath the defendaunte put mo beasty
than he oughte of ryght / and shewed
the nombre / and the surplusage of the
beastes / the defendaunte sayde that
there is another that hath comon in
the place whiche is in ful lyfe nat na
med in the writte. And by some men
it was sayde / that a mā shal nat haue
an accion agaynste onc / agaisste who
me he hath no cause of accion. But
by this accion all shalbe admesured
and it is no preiudice to them : for
that / that they haue all that / that
ryght wyll.

**A writte/de Scda supercontra
tione pasture.**

Natura breuium. f. 113.

Rex viē salutē. Monstrauit nobis A. q. cū ipse bte nrm nup tibi detulisset de cōmuni pastura sua in B. ad mēsurandū: quā B. iuste sup onerauit / & in pasturā illam p pceptū nrm prout mos est in regno nro admēsuraueris idē B. pasturā illā post admēsurationem pdictā iterū iniuste suponerat in ipsius A. dāpnū non modicū & grauamē / & ztra formam statuti in hmōi casu prouisum. Et quia eidē A. iuxta formā eiusdem statuti subuenire volumus: vt teneamus tibi pcpimus q. in propria persona tua ad pasturā illam accedas et per sacm pbor et legalium hoim de ballua tua: per quos rei veritas melius scire poterit de scda eiusdem pasturę sup oneratione diligenter inquiras. Et super inquisitionem illam pasturam pdictā p pceptū B. post primam admēsurationē iterū iniuste sup onerat inuenieris tunc de auctis illis in pastura pdicta vltra debitum numerū post primā admēsurationē positis vlt de pcis eorūdem nobis ad scdm nrm respondeas & sup onerationem amoueas teste. &c.

Abzitte
de Secū
da super
onera
tione pa
sture is
suche.

Natura.

P. II.

Natura breuium.

This writte lyeth/ where Mes-
surement hath ben made/ & he
that fyrste surcharged the co-
mō/another tyme surcharged/thā he
that is so greued shall haue the sayde
writte. And Note ye: that this writ-
te/is sometyme Original/ & somety-
me Judicial. And in the case afore-
sayde it is Original /and it is Justi-
cies nat retournable. But that the
Sheryfe shall go in pper person to the
pasture / & he shall make inqyre by
lawfull men of his baylewyke of the
suponcracion/ & if it be foude /the Sh-
ryfe shall answere to the barons of
the Checker for the beastes / whiche
were in the pasture ouer and aboue
the dewe nōb:c. And whan it is Ju-
dicial / than it shall go out of the co-
mon banke to the Sheryfe cōmaūdige
hym that he go to the place were the
Mesuremēt was made /and inquire
in presens of the ptyes /of the secōde
surcharge/ & if it be foude / the inqui-
sicion shalbe sende to the Justices of
the comon banke vnder his scale / &
the scales of the Justours/ & after the
inquisition retourned / the Justices

Natura breuitatis. Fo. 114.
 Shall iudge the ptyes theyr damages
 And knowe ye: that this writte lyeth
 nat/ but where a Mesurement hath
 ben made betwixte the forsayde te-
 nantes: for if one purchase the state
 of one whiche was ptye to the Mesu-
 rement/ he shall nat haue this writte
 of the secōde surcharge/ for he is nat
 helped by the statute of westm. 2. c.
 8. And knowe ye: that a writte of Me-
 surement maye be remoued out of the
 countye in to the comon banke by a
 pōne/ as well at the suyt of the pley-
 ntye as at the suyte of the defendaut
 But it shalbe all tymes with cause.
 And than the writte of the. ii. sur-
 charge is Judicial/ as is aforesayde.

**¶ A writte/ de Rationabilibus
 diuisis .**

Rex vñ salutē. P̄cē tibi q̄ iuste A writte
 ec. faē cērōnabiles diuīas inf de Ration
 tram A. in L. & terrā S. de R nabilib⁹
 in D. sicut eē debent & solent: vñ de idē diuīsis
 A. queritur: q̄ p̄dict⁹ S. pl⁹ idē tra is suche
 hit ad feodū suū q̄ ad ipsum pertinet
 habendū. Ne amplius inde. ec. p de

Natura breuitur.
Secti iusticiae teste. &c.

This writte lyeth i case/ where
there is two lordes in dyuers
townes/ & theyr seignories ioy
neth to gyther. If any pcell of lande
of the one seynorie hath ben incro-
ched by lytell pcellis after the tyme
of memorie vnto this presente tyme/
than that lord of whiche seynorie
the pcell of lade was incroched/ shall
haue the sayde writte agaynst the
lord that hath itroched. And knowe
ye: that this writte is a Justices and
maye be remoued by the p one out of
the counte into the comon baie. And
this writte hath be made betwixte di
uers townes/ & diuers psons and nat
other wyse. And the pces is/ Somons
graund Cape/ & petit Cape.

Proces

A writte/ de perambulatione
facienda.

A writte
de perā
bulatio-
ne faciē-
da is su
che.

Rex vobis salutē. p̄re tibi q̄ assū
ptis tecū. 12. discretis & legys mili
tib⁹ de com̄ tuo i ppria psona
tua accedas ad terrā v. de S. i. C. es

Natura breuium. No. 115.
terra R. de A. in R. p. cor. factm. fiet
fac. pambulationē inter terrā ipsiū W.
et terrā p̄dicti R. in T. q. p̄dicti W. &
R. posuerūt se corā nobis in pambu-
lationē illā. Et scire fac. Iusticiariis
n̄ris ap̄d. westm. tali die / v̄l Iusticia-
r̄ n̄ris ad primā assisā sub sigillo tuo
et sigillis. iiii. legat militū ex illis: q̄
pambulationi illi inter fuerint p̄ quas
metas & diuisas pambulatio illa fa-
cta fuerit. Et habcas ibi noīa militū
et hoc breue: teste. &c.

This writte lyeth in case afore-
sayde / where parcel of lande of
the one lord hath ben in sucbe
maner incroched by longe tyme past
than by assente of bothe the lordes
this writte shalbe purchascd. And in
this writ is no proccs. But that the
sheryfe shall take with hym the sayde
partyes and chycf men dwellinge in
the sayde seynourye / and go to the
sayde place where the incrochement
was made / and there they shall ma-
ke perambulation / and order the
seynouryes as they were in olde
tyme as before the incrochement.

Natura breuium.

And knowe ye: that these two writtes lyeth nat/but where the incrochement hath ben made frome yere to yere by lytell parcelles without tyme of mynde vnto this p[re]sent tyme. But where the incrochement hath be made but of late tyme/ than lyeth the assise. And knowe ye: that a writte of Perambulatione facienda/ alwayes is made by agreement of the parties betwene diuers townes in one countye And the parties betwixte whome the Perambulation shalbe made / shall come to the chauncerye & graunt that Perambulation shalbe made betwixte theyr landes. And that agrement shalbe inrolled/or therof a dedimus potestatem maye be made. Anno. 8. E. 3.

*** Addition.**

A. 12.

B. 3.

If choy

Note ye / that tennaunte in dower maye haue this writte. But the Perambulation/ shalbe made betwixte hym in the reuercion and the defendaunte in this writte / and nat betwixte the tennaunte in dower and the defendaunte.

Natura breuium. Fo. 115.

Q writte/de Anno redditu.

R Ex vñ salutē. p̄re A. q̄ iuste.
fē. reddat. fē. L. li. quas ei are
tro sūt de annuo reddit. xx. li.
quas ei debet: vt diē. Et nisi fē. fē.
tunc sum. fē. ostenē quare non fē.
Et habcas ibi summa & hoc breue:
teste. fē.

Q Aliter in comitatu.

R Ex vñ salutem. p̄re tibi: q̄ in
stices A. q̄ iuste. fē. reddat B.
de L. centum solidos: que ei
aretro sunt de annuo redditu. x. li. et
vñus robe: que debet: vt dicit / & sicut
rationabiliter. fē. Ne amplius. fē. p̄
defectu iustitie: teste. fē.

A writte
de An-
nuo red-
ditu / is
suche.

This writte lyeth i case / where
a man graunted to another by
writtynge any certayne some
of money / or rente to take euery yere
of his cofers / or of his chambie / or of
his maner. And after suche graunte
the some of money or rent is behynde
Than he to whome the rente is graū-
ted shall haue the sayde writte / & by

Natura breuium.

this writte recover the some of money or rent that is behynde & his damages. But if the lādes or tenementz be charged with a distt for suche rent behynde/thā he maye distreyn in the lādes/or tenementes. And if the distres be fro hi deforced/ than he shall haue assise. And knowe ye: that this writte of Annuite is nat to be sued by executors / but in place of this wrytte is gyuen a writte of Dette/whiche shal be made in the detinet/and nat in the debet / and in the same maner shal be of wheyte / Barle / and other suche lyke. And knowe ye: that in this writ and in a writte of Dette vpon an obligaciō/and in other cases lyke where he oughte shewe especialtye in declaration / declarynge in suche wryttes it is conueniente / that the name of the pleyntyfe/ or the name of the defendant agree with the speccialtye or otherwys the writte shal abate / if the partye that challenge. But in a writte of waste broughte by hym in the reuercion/ and in a Formedon in the reuiaynder / a man oughte nat shewe especialtye afore that it be de-

Natura brenium. Fo. 117.
maunded by the partye/ though that
the name of the pleyntye/ or the de-
mandaunte in the wytte be nat ac-
cordinge to the specialtye. The wyl-
te shal nat abate/as it appereth. **M.**
41. Edward. 3. in a wytte of waste.
And the proces is/ **Somon/ Attache-**
mētē/ and dystrcs infinite. And note
ye: that of an annuall rente goyng
out of lande or tcnement / and nat
of a chambꝛ / a man ought to haue
the viewe.

Proce

*** Addition.**

Note ye: that if Annuite be graū-
ted out of a churche in one countye/
and the graunte is scyced of the An-
nuite in another coūtye/ the graunte
maye chose in whiche coūtye/ he wyl
bryngc his wytte of Annuite.

M. 4.

H. 6.

In this writ the declaraciō was
challenged: for that/ that the pleyntye
supposed scyson by the hādes of the
defendaūt & his pdecessour / where he
was nat scyced by the handes of the
defendaunt / & nat allowed.

M. 23.

E. 3.

The declaracion was challenged
for that/ that it was the yere of the

M. 23.

E. 3.

Natura breuitatis

In carnacion/and nat the yere of the
reygne of the kynge/ & nat allowed.

H. 16.
E. 2.

¶ If Annuite be graunted vpon
cōdiciō/the pleyntyfe shal nat shewe
that / in his declaracion / but he shal
make his declaracion symple / & the
defendaunte shal nat haue anaunta
ge of that by waye of plice in abate
mente of the declaracion/but he shal
pleade that by waye of barre.

Pa. II.
E. 4.

¶ If a man graunte Annuite of a
gowne pryse. xx. s. or. xx. s. the writte
shalbe brought of the gowne pryse
xx. s. without spekyng of the .xx. s.
if the graunte wyll/or he maye haue
a writte of the. xx. s. without spekyng
of the gowne/ & in thys case the writte
shal nat abate though that it be
nat accordyng to the writtice. But
if the writte agree with the graunte
than the writte shal abate for the nō
certeynte/for by the writte the demaū
de ought to be certeyne.

H. 3.
H. 6.

¶ If I graunte Annuite of. xl. s.
to one of the kynges chapleyns/vnto
he be promoted by me to a cōpetēt bñfi
ce in this case if I pfer to hym a bñfice
whiche is worthe. x. markes/the whi

Natura breuium. **¶ 18.**

che he refuseth/that is a good extyn-
guishement of the Annuite / for the
benefice shall haue relacion of the va-
lue of the Annuite / & nat. to the estate
of the person to whome it is profered
though that he be a man of greate
estate quod nota.

¶ If Annuite be graunted vpon co-
dicion/that is to say / vnto the graūt
be promoted to a benefice / or to gyue
his counsell. &c. And the graunt bryn-
ge a writte of Annuite of the arrera-
ges / & the graūtour saye that suche a
daye he profered to hym a sufficiente
benefice / or that he demaunded his
counsell / and the graunt that refused
in this case / the grauntour shall nat
answere to the arrerages before the
tender: for that / that by the tender/
the Annuite is determined / & of these
arrerages before the extynguish-
ment / the graunt is put to his writ-
te of dette. If the graunte haue acqui-
taunce of the arrerages before the ex-
tinguishment / he shall nat plede that
in a writte of Annuite: for he shall ha-
ue auantage to plede that in a writ-
te of Dette.

H. 3.

H. 6.

M. 16.

E. 3.

Statuta breuium.

**H. 18.
E. 3.**

☞ If Annuite be graunted out of certayne lande / it is in eleccion of the graunte to bypnye assise / or a wrytte of Annuite.

**M. 30.
E. 3.**

☞ In a writte of Annuite if the defendaunte shewe acquitaunce of the arrerages / yet the pleintyfe shal haue iugement to recouer the Annuite as well as in a writte of meane / the defendaunt pleadeth nat disteyned i his defaute / the pleynntyfe shal recouer the acquitall streyght waye.

**H. 22.
E. 4.**

☞ In a writte of Annuite agaynst one J. and declared that the sayd J. by a dede that he sheweth graunted to hym one Annuite of .xx. s. by yere goynge out of the maner of Dale / the defendaunte sayde that after the accion brought / he hath receyued .x. markes of the arrerages of the sayde Annuite / & so hath he abated by wryt And it was holden that was no plee to discharge the wryttinge / excepte that he shewe another wryttinge / as it is vpon an obligacio / elles it is no discharge.

**P. 6.
H. 4.**

☞ If a parson of a church hath licence of the patron and ordynarye to

Natura brenium. fo. 119.

graunte Annuite/ this graunt of An
nuite with suche lycence/shal charge
his successour for ever withoute any
other graunte/ or cōfirmacion of the
patron and ordinarie. And that is
as stronge in the lawe / as they all
had ioynd in graunte / or confermed
the graunte made by the pson alone/
Tamen quere .

☛ If Annuite be graunted to ano^r **p. 45.**
ther for his counsell gyue and to be **E. 3.**
gyuen/ the graunte is nat bounde to
go to the graūtour/ but to gyue hym
counsell where the graunte is:

☛ If a mā graūt to me an Annuite
of. xx. s. by yere payable at the feaste
of saynte Michael/ and at the Annū
naciō of our Lady/ and the dede bea
reth date the fourthe daye of Februa
rie/ I shall take the fyrste payemente
at the feste of the Annunciaciō next
after the date of the dede/ natwithsta
ndynge that the feaste of saynte Mi
chael/ be the fyrste daye in the dede.

☛ A writte/ de Consuetudinib^{us}
bus & seruiciis.

Natura breuium.

Writte
de Con-
suetudi-
nibus et
seruitus
is Suche

Rex vñ salutē. Preē A. q̄ iuste.
et. fac B. de cons & recta serui-
tia sua: que ei facere debet de li-
bero tenemento suo: q̄ de eo tenet in.
N. vt in redditibus arē et aliis: vt sic
vt in secta cur et in aliis. Et nisi fec.
et. te secut tunc summa. et. ostensum
quare non fecerit. Et habeas et.
teste. et.

Proces

This writte is a writte of right
and wylbe determined by ba-
tyle or by greate Assise. And
lyeth where I/ or myne aunccestours
after the limitacion of assise was nat
seyled of the customes/or of the serui-
ces of our ternaunte. But afore the ly-
mitacion we were seyled of the serui-
ces/and of the customes of our for-
sayde ternaunte / than for to recouer
the sayde seruices. I shall haue the
sayde writte. And the proces is So-
mons graund Cape / & petit Cape.
And it is to knowe that this wrytte
maye be pleaded in.iii. maners / that
is to saye/by one affirmatiue / & two
negatiues/this affirmatiue is called
a writte of customes & seruices. And

this writte supposeth alwayes / that the lordc is auctour / & the tennaunte defendaunte. And the lordc by this writte maye demaunde agaynstc his tennaunt / that holdeth the grounde of hym without meane / to demaunde rēt or suyt to courte / or fealte / & suche manner of seruiccs / wherof the lordc / or his auncestours were scysed by the handc of the tennaunte / or his auncestours / as of rent goynge out of the same grounde / or in his demeane / as of fee and of right / by reason of whiche rent that corporal seruiccs is mouable. And for that / some people was wonte to declare of the right in theyr declaracion of his owne scyson / as of fee and of rightc. But of other seruiccs that are nat mouable a mā ought nat to declare / but as of fee / & of right without demeane. And this writte is all holy in the rightc: where homage is graunted / & knoweledged by the tennaunt in plee pleadinge / in whiche case lyeth nother batayle nor greate Assise / nor in thys writte ought the solet neuer to be writtē. And knowe ye that this writte ought to be pleaded

Natura breuium.

by the same delayes/as the Quod p-
mittat/but in this writte of right/is
demaunded tenementes in demeane
after customes & seruices denied. And
by the lord Silbere de preston lyeth
nat the vicwe / that is to saye / if the
deforcour holde nat .ii. tenementes
in the same towne wherof the demaū
daunte claymeth dyuers seruices to
hym aswell as in the Qd pmittat / &
this writte maye be pleaded in the
countye before the Sheryfe / or Justis-
ces of the comon banke by the pone
but better it is for the chiefe lord to
pleade before the Justices of the co-
mō banke / than in the coūtye / for the
disclamour of the tenaunte / to who-
me no payne is gyuen vpon the dis-
clamer in the coūtye. But if the dis-
clamour be afore Justices of recorde
thā an acciō is gyue to the lord / to de-
maūde those tētes i demeane / out of
whiche the seruices dothe go. And if
the lord be wyse he maye purchase
suche maner of seruices / that if they
be behynde: for defaute or distres he
shall haue remedye after the fourme
as is conteyned in the statute of west

Natura breuium. **Jo. 121.**

mynster seconde. Capitu. 21. whiche
begynneth. Cum statuto .x. And
with that agreeth the stat of Bloz.
Capitulo. 3. whiche beginneth. Ense
mente si home lesse. x. And the one
of these writres of Customs / & serui
ces negatiues is open. And begyn
neth thus. Prohibemus tibi ne uiu
ste ueres. x. And the other is close.
And begynneth thus. Quia salutem
Prohibemus tibi qd nō permittas A
qd distringat B. ad faciendum ei cons
et seruicū qd de iure facere nō debet nec
solet. x. And the writte that is open
is betwixt the tennaunte auctour /
and the lordc defendaunte / but after
that the tennaunte hath declared for
suyte / and dammages / the lordc de
fendynge the wordes of the courtc /
and in the replyenge saye / that he di
strecpned nat the tennaunte for the Cu
stomes and the seruices / wherof the
declaracion is to the wronge / and
nat to the ryghte / and after shewe all
the declaraciō of the wrytte of Custo
mes & seruices / & profer his suyt to be
good / & aff the tenaūt / whiche was
auctour afore becometh defendaūt / &

Natura.

Q. ii.

Natura breuium.

Shall defende by batayle / or by graūd
assise / as they ought to do. And it be-
houeth of fyne force / that the tenaūt
knowlege to holde the tenementes /
whiche are in demaundaunte of the
same lord / by some seruices / or other
wyse a writte of excepte lyeth. And if
he wyll / this writte at the fyrste shal-
be broughte in the court of the same
lord / that distreyned if he hath court
and they? Shall the tenaunte pleade
as lōge as the courte maye do right
And whan the courte maye make no
ryght / the sheryfe at the suggestiō of
the pleyntyfe by vertue of suche a
clause that is conteyned in the writte
that is to saye. *Et nisi fecerit. &c.* may
make a Tolle out of the lordes court
in to the countye / & from thēse / remo-
ue the plee afore the Iustices of the
comon banke by a pōne if he wyll af-
ter the order of the wrytte of ryght
open. The writte negatiue close is of
Customes and seruices nat dewe / &
lyeth in case whan the lord distreyn-
eth a man for Customes & seruices
nat dewe / that nothyng clameth to
holde of hym / & namely whan the te-

naunte/that is distreyned / knowele-
ged no seruices to be due to the lord
by his hâde/ & that is a writ of right
and he that is auctour shal become de-
fendaunte/ & the contrary / and suche
writte wylbe determyned by batayle
or graunte assise / as in the Quo iure
And there is difference betwixte this
& the Re inuste veres: for that / that
the Re inuste veres wyl all tymes
be open. And the writte of Quod per-
mittat close. And the pleyntyfe/that
bryngeth the Re inuste veres cla-
meth to holde of the lord that distrey-
neth/ & knowelegeth in maner parte
of his seruices of hym demaundeth &
parte denyeth. And he that bryngeth
this writte close declareth nat to hol-
de of the lorde the tenementes / & no
servuices of hym demaundeth to be de-
ue by hym to the lorde. And if the te-
naunte be wyse at the begynnyng/
he shall cause his beastes to be delyue-
red by repleyn / for if the tenaunte
maye auct that the lorde/ nor none of
his aūcestours were neuer scysed by
the hande of his tenaunte / or of his
aūcestours/ or of any other tenaūte.

Natura breuium.

of the same tencementes of the seruy-
ces demaunded after the limitation of
the assise / the repleyn shall serue hi
but peraventure the lord was scysed
by longe contynauence of the seruices
demaunded / though he that it was by
wronge by the hande of the ternaunt
or of his auncestours / than the reple-
yne maye nat helpe / but than he
oughte bynge the. He muste veres
or if he be dystreyned by the chyefe
lorde for suyte / than in suche case he
shall bynge a writte fourned vpon
the statute of Mar. Capitu. 8. whi-
che begynneth. De scet sequidem fa-
ciend. &c. Note ye that a man maye
haue acquitaunce of the seruyces in.
iii. maners / that is to saye by dede
the counter bayleth acquytaunce / or
for that / that the ternaunt is scysed of
other suche ouell seruyces by the ha-
de of the ternaunte / as the lord per-
monte demaunde of the ternaunte / or
for that / that he and his auncestours
of tyme wherof. &c.

¶ Addition.

Natura breuium. Fo. 123.

Note that this writte is of dyuers natures / some are wyttes of ryghte determynable by batayle / or by graunte assise / & that maye none vsc but he that of clere ryghte maye speke / and some are myxed in the possession and that in dyuers maners / for some is broughte of the seyson of the demaundaunte by the hande of the deforsante / and suche writte shalbe in the Debt and solct / and some of the seyson of the auncestour onely and in suche writte shalbe in the Debt onely without the solct / and shall declare for damages for the possessiō by whiche this wytte that wyll be tryed in the possession maye a man vsc though that he may nat trye the ryghte / as ternaunte in dower or by the courtesy / and if the deforsoure wyll dysclayme / than the ternaunte in dower or by the courtesy shal haue ayde of hym in the reuerciō / for that that he maye nat be partye to suche hys answere / that is to pleade in the ryghte without hym in the reuercion to whome the accion is gyuen by the disclaymour.

Natura breuium.
Q writte de Contra formam
feoffamenti . . .

Q writte
de Con=
tra for=
mā feof=
famenti /
issuche.

R Ex balfis R. de B. salutē. Cū
de coi cōsilio regni nři Anglie
pūsum sit ne q̄soccōe tenemē
torum suorū dīstring. ad sectā faciendū
ad cū dñorū suorū nisi per formā feof
famenti ad sectā illā / aut ipsi vel eorū
antecessores tēū illa tenentes tam fa
cere cōsuecēt ant̄ p̄m transfē dñi R.
R. pau in Britaī vobis p̄cipimus
q̄ non dīstringatis A. ad faciendū sectā
ad cū p̄dictam de R. contra formā
pūisionis p̄dictē et si dīstrictionem
q̄ ca occōe feceritis sine dilatione re=
laxatis T. R.

This writte lyeth where a mā
infeoffeth another of certayne
landes or tenemētes by Char
tour of feoffment / to make certayne
seruices & luytes to his courte / & the
lozde / his heyre / or his assiney distrey
ne his tēaunte to make mo seruices
than is conteyned in the sayde Char
tour / than this sayde tēaunte maye
haue the sayde writte dyrected to the

Natura brenium. **fo. 124.**

lorde commaundyng hym that he distreyne nat the sayde tenaunte to do other seruiCES than his Chartoure wyll / as it is gyuen by the statute of Marl. Ca. 9. whiche begynneth. De secti liquide faciend. &c. for none shalbe bounde to make suyte to the courte of his lorde otherwyle than is conteyned in his Chartour. And the p[ro]cess is / attachement / and bystres vnto the partye come. And knowe ye that this writte ought to be brought there where the pleyntyfe claymeth by disseit / & nat by purchase. And also if any be distreyned agaynst the forme of any statute / he maye haue a p[ro]hibition / & vpon the p[ro]hibition attachement / but he shall nat haue attachement afore the p[ro]hibition sued. And note ye / that if any herptage of whiche one sole suyt is dewe discende to many p[er]sones / thā by the foresayd statute he that hath the auncient p[ar]te shall make the suyt for all / & these o[th]er shall make contribuciō / & if they wyll nat the shall haue agaynst the a writte de Contributione facienda whiche writte & many other that tou

p[ro]cess.

Natura brenium.

etheth this matter shalbe foude in the
Registre amonges wyttes of the sta
tutes. And the proces is/ as i a writ
of *Medimus potestatem de fine lea
uanda.*

*** Addition.**

**Ed. 3.
E. 2.**

Note ye/ that in this writte / the
defendaunte demaunded herynge of
the dede of feoffement/ and that de
maunde was nat allowed.

**Ed. 3.
E. 2.**

Note ye / that if there be the lord
& the tenaunt/ & the lord is seysed of
ii. courtes. 5. of one courte in Dale /
and of another in Sale/ & the tenaunt
holdeth of the lord of the maner of
Dale/ & suyte to the same maner/ and
it is agreed betwixte the lord & the
tenaunt/ that the tenaunt shal make
suyt to the court of the maner of Sa
le/ for the suyt dewe to the courte of
the maner of Dale/ the lord in this
case maye distreyn his tenaunte to
make the suyt to the courte of Dale/
as he ought/ for the suyt abydeth all
tymes dewe to the courte of Dale.
And the same lawe is if the lord by

Natura brenium. Jo. 125.

agremente take. ii. s. of rente by yere
in allowaunce of suyt / and so is sepa-
sed by the space of. xl. yeres & at the
laste the. ii. s. are behynde / & the lord
demaundeth his suyt / in these cases
the ternaunte maye nat maynteyne a
writte of Contra formam feoffamen-
ti agaynst the lord.

A writte of Meane.

R Ex viē saltm p̄reē A. q̄ iuste.
&c. acquietet B. de seruic̄ q̄ L.
ab eo exegit de libero tēto suo
q̄ de p̄refat̄ A. tenet in R. vnde id̄ A.
que mediū est inter eos ip̄m acquie-
tat̄ debet vt diē. Et vnde querit̄ quod
pro defectu eius distringitur. Et nisi
fecerit. &c. testē. &c.

**A writte
de Mea-
ne / is ou-
che..**

This writte lyeth / where there
are lord / Meane / & ternaūt / &
the lord distreyneth the ternaūt
for the seruices that the meane ought
to do to the lord goynge out of the
lande / than shall the ternaunte haue
this writte agaynst his Meane.
And if the ternaūt haue any writinge

Natura breuium .

makynge mencion of any acquitall/
or fynall concorde of his next meane
of whome he claymeth to holde the
grounde/or of his aūcestours/or any
seyson of any acquitall by the hande
of the same meane or of his aūce-
stours:if the meane do demaūde what
he hath to bynde hym to the acquy-
tall:than muste he shewe it. And af-
ter that the meane hath entred in to
the acquytall / for to acqyte the tes-
naunte of the seruices requyred by
the chyeft lord:the same meane may
haue another writte agais̄te his mea-
ne betwixte hym & his lorde/and so of
euery of thē. And this writte of mea-
ne & writtes of customes and scrui-
ces aforesayde/shalbe pleaded/by the
same delayes as a writte of trespassse
And the Proces in this writte is / a
comons/attachement / and dystres.
And day shalbe gyuē before that the
greate dystres shalbe retourned / so
that .ii. thyrc courtes maye be holden
& proclamacion shalbe made in those.
.ii. thyrc courtes/ that the meane shal
come at the daye cōteyned i the wryt
for to acqyte the tenaunte / & if he co

Proces

Natura breuium.

fo. 126.

me nat at the sayde daye: than shall
he lose the seruices of his ternaunte / &
shall be foriuged of his seynnorpe / &
the ternaunt / whiche bryngeth this
writte / shall be immediate ternaunt to
the chiefe lord / and shall do the same
seruices / & sutces / as his meane dyde
to the sayde chiefe lord. And that is
gyuen by the statute of westmynster
2. Ed. 3. whiche dothe begyn. *Cū ca-*
pitales dñi. &c. Neuertheles / the te
naunte shall nat be prohibited to sue
the proces gyuen by the comon lawe
that is to say / Somons / attachemēt
and dystres, tyll the partye do come
if it be for hys profyte / for if the ternaunt
holdeth of his meane / by lesse scrup
ces than the meane holdeth of the
chiefe lord / & the ternaunte sueth the
proces / gyuen by the statute and the
meane is foriuged of his seynnorpe:
than muste the ternaunt / do the same
seruices to the chiefe lord that the
meane dyd / whiche were greuous to
the ternaunt / and therfore maye the
ternaunte chose / whiche of the two p
cesses he wyll sue in this case. And
by the same statute this proces afore

Natura breuium.

sayde/nor this foriugynge is nat gy
uen / where there be many and son-
dry meanes betwixte the superyour
lorde and thynferyour ternaunt / but
in case where there is onely one mea-
ne. And also this foriudgynge is nat
gyuen of ryghte / but onely for the te-
naunte of fee symple agaynste the
Wheane of fee symple. Neuertheles/
at the comon lawe / there was a writ-
te of Wheane for the ternaunt in taylor
and tenaunte for terme of lyfe / and
that is proued by the sayde statute /
where it is sayde. Pro tenente in dote
per legem Anglie et ad terminum vi-
te vel per feodum talliatum nondum
est remedium prouisum. &c. but that
is to be vnderstanded / that remedy /
as conscernynge the foriuger / is nat
ordeyned / for suche ternautes / but
the ternaunte maye haue a writte of
Wheane / as it dothe appere by the
same statute. And note ye / that a writ
of Wheane maye be pleaded in the
hyre courte before the Justices of
the comon place / or Justices in Eyre
nor the distresses shall nat cease vpo

the tēaunt / though the writte were
purchased vpon the **M̄eane** bycause
the chiefe lord hath alwayes his re-
course to his fee / for to distreyn for
his customes and seruyces with arre-
rages of the same. And note ye: that
a man may haue acquytaunce of ser-
uices in dyuers maners. **ſ.** by dede / or
bycause that the **M̄eane** is seyled of
suche seruices / by the hande of the te-
naunte as the chiefe lord demaun-
deth of hym / or bycause the **M̄eane**
and his auncetours hath acquyted
the tēaunte and his auncetours at
all tymes / or bycause he dothe holde
of hym / in **Frankmarpage** / or in do-
wer / or in **Frank almoynge**. And
note ye / that in case the **M̄eane** be re-
dy to acquite the tēaunt of the serui-
ces / due to the chiefe lord / and the
chiefe lord dothe distreyn the te-
naunt / for the same seruices / thā shal
the tēaunte haue a writte dyrected
to the **Sheryfe** of the same **Shyre** / reher-
syng / howe that the **M̄eane** is redy
to commaūdyng hym that he shall
nat suffre the tēaunte / nor the men

711.0 Natura breuium.

to be distreyned by the sayde lord nor
otherwyle to be vexed by reason therof
And note ye: that if the Meane do
committe a felony/for the whiche he is
attayned/in this case thynferiour te
naunt shalbe come immediate ternaute
to the chiefe lord of suche seruyces
as he dyd to the Meane. And note
ye: that this writte may be remoued
out of the hyze court in to the comō
place by a done.

✱ Addition.

E.4.
H.6.

☞ Note ye/that equalnes /oz ouel
tpe of seruyces is/where the ternaute
holdeth an acre of lande of the Mea
ne/by.vi.d.and the Meane holdeth
the same acre ouer by .i. d. that is
good oueltpe / for that / that the te
naute holdeth by that/that the Mea
ne holdeth and more/but if the Mea
ne holde by more seruyces than the
ternaute holdeth of hym / that shall
nat be sayde oueltpe of seruyces.

A.39.
H.6.

☞ And it is nat couenyent for the
pleyntpe / to shewe the certeynty of
the tenure betwixte the Meane & the

Natura breuium . No. 128.

lorde aboue / for thā ſhal folowe / that
the tenure betwixt the Meane / and
the lord aboue ſhal be tryed betwixt
the Meane and the ternaunte / & that
ſhalbe no reason if the pleyntyfe de-
clare that he holdeth of the Meane
in frank almoygne & that he & his
aunccestours hath acquitted hym and
his prodeceſſours / tyme out of memo-
ry. &c. this declaracion is nat double
for the frāke almoygne is no cauſe of
the acquitall / excepte / that he ſhewe
the gyfte. ſ. howe the defendaunte &
his aunccestours / whiche gaue in frank
almoygne / whiche is good cauſe of
acquitall without moze / or to preſcri-
be / that he and his aunccestours hath
uſed to acqyte the pleyntyfe / by rea-
ſon of frank almoygne / and he hath
nat preſcribed in frank almoygne
and hath nat ſhewed the beginninge
of the gyfte / but hath ſhewed the pre-
ſcriptiō generall / the whiche is good
cauſe / & the other is but voyde / if the
pleyntyfe preſcribe / that the defendaut
ought hym to acqyte agaynſt the
lorde paramont / & all other / and it is
founde for the pleyntyfe / that the de-

Natura.

R. l.

Natura breuium.

sendaunte oughte hym to acquyte / a
gaynste the lord / this prescriptiō of
acquytall agaynste all the other / is
voyde.

P.44.
E.3.

☛ If the pleyntyfe declare / that he
is distreyned by one D. for seruyces
of the Meane / & that the Meane hol
deth of D. where there is .ii. lordes /
betwixte the Meane & D. the defen
daunte maye pleade in abatemente
of the declaracion / that he holdeth
not of D.

P.31.
E.1.

☛ The lord Meane / & tenaūt are /
& the Meane byndeth hym selfe by
fyne / to acquyte the tenaūt agaynste
the lord / & his heyres / the lord taketh
a wyfe / & hath yssue & dyeth / the wyfe
is indowed of the seignorie / and by
streyned the tenaunte perauale for
the seruyces of the Meane / in this
case the Meane shall acquyte the te
naunte agaynste the wyfe : tenaūt in
dower / though he be nat heyre
to the lord / for that / that the reuerciō
of the seruices is to the heyre.

M.17.
E.2.

☛ The lord Meane / & tenaūte are
the lord dystreyned the tenaunte
perauale for release / after the deth of

Natura breuium. **Ro. 129.**

his father/in this case the **M**ean is
nat bounde to aquyte hym/agaynst
the lordc/ for that / that the answere
that shulde discharge hym/ lyeth nat
naturally in his mouth.

The lordc / & ternaunte are / and **T. 17.**
the ternaunt maketh a lease for terme **E. 3.**
of lyfe/ yeldyng certayne rentc / and
the lordc distreyned the lesse / for the
seruyces of the ternaunt / and the lesse
bringeth a wytte of Mean/ the de
fendaunte shall sayc/ that the pleynt
tyfe hath nothyng but for terme of
lyfe/ and he shall nat shewe of whose
lease/ Judgemente. &c. It is conue-
niēte for the pleyntyfe to maynteyne
that he hath see/ otherwyse the wytt
shall abate/ for that / that the wytte
lyeth nat / for ternaunte for terme of
lyfe/ but a wytte of couenaunte / & to
say that he holdeth of the lease of the
defendaunte / the reuercion to hym/
that wyll make no yssue.

The lordc/ meane/ beyngc a wo- **P. 38.**
man/ & the ternaunte/ the Mean byn **E. 3.**
deth her selfe to aquyte the ternaunt
& after taketh a husbanc/ and hath
yssue/ and the ternaunt releaseth to the

Natura.

R. 11.

Natura breuium.

husbande/that he nor his heyres shal
nat be bounde to acquittall / the hus-
bade and the wyfe dyeth/ the tenaunt
pauale bryngeth a wyte of Meane
agaynst the yssue as heyre to his mo-
ther/ & he pleaderh thys release i barre
and it was holden that he shal nat be
barred/for that/ that the defendaunt
is bounde as heyre to his mother.

**H. 40.
E. 3.**

¶ The lord/meane / & tenaunt are/
the Meane doth graunt/by fyne/the
seruices of his tenaunt to a straunger
in fee/to whome the tenaunt pauale
dothe nat attourne / the grauntour
dothe take a wyfe/ & taketh estate to
hym and to his wyfe/ & to the heyres
of the body of the wyfe & for defaute
of suche yssue/the remaynder/ to the
ryght heyres of the husbande / & they
haue yssue a sone/ and the husbande
dyeth /in thys case the son shalbe char-
ged of the acquittall / in the wyte of
Meane/if he maye nat auerre / that
the tenaunte attourned to the graunt
& the wyfe shal nat be charged.

**H. 24.
E. 2.**

¶ The lord/meane/ & tenaunt are
the tenaunt is a woman / & taketh a
husbande / whiche are distreyned for

Natura breuium. **fo. 130.**

the seruices of the **W**heane/in this ca-
se the husbanc & the wyfe shal haue
a writte of **W**heane agaynst the mea-
ne/& they shal declare that the wyfe
is distreyned/as well as the husbanc
supposyng that the wyfe hath pro-
pertye of the goodes durynge the es-
pousayles / and yet the declaracion
is good.

☞ Note ye / that a foriugement a- **Al. 9.**
gaynst the husbanc & the wyfe / is **E. 2.**
nat voyde/but errour/for he shal nat
haue a **Lui in vita.**

☞ In a writ of **W**heane supposyng **p. 29.**
that he is distreyned/by one **K.** wher **E. 3.**
of the defendaunt is **W**heane/ the de-
fendaunte sayth that another tyme
the pleyntyfe broughte a writte of
Wheane agaynst hym / supposyng
that he is distreyned by one **w.** in the
same lande/and that we are **W**heane
betwixt them /so supposeth he that
w. hath the scygnorie / iugement of
the writte that supposeth **K.** to haue
the scygnorie/and nat allowed /for if
there be. ii. or. iii. lordes euery one a-
boue other / if any of them distreyn-
the ternaunte parauale/his suyt is a-

Natura breuium.

agaynst his **Writ**/ & he shall haue
a writte ouer/ & so his p^lce is no p^lce
to the writte.

W.4.
E.3.

¶ The lord of a hundred/ **Writ**/ and t^lnaunte are/ the t^lnaunte doth holde of the **Writ**/ by homage/ and escuage / the lord demaundeth suyte to his hundred/ of the t^lnaunt paraualle/ in this case the t^lnaunte shall nat haue a writte of **Writ**/ for as concernyng the suyt to the hundred the lord shall aduowce vpon hym / that is t^lnaunte of the lande / for o^rtherwyse he maye nat do / natwithstandyng there is a **Writ** betwixte them/ & for suyt that is due / by reason of the rechaunce/ the **Writ** shall nat acquyte hym.

W.4.
E.6.
W.13.
E.3.

¶ If the lord paramount of whome the **Writ** holdeth dyeth hangyng this writte/ the writte shall nat abate for that/ that the writte was wel purchased at onc tyme/ & it is no reason/ that it shall abate/ by the deth of the lord that is a stranger / & if it shall be p^lce to saye/ that the lord is dedd / it shall be to the accion/ for the t^lnaunte shall haue no remedy by a writte of.

Natura breuium. fo. 131.

Meeane/ of that by force taken in the
lyfe of the lordc/ but of a foriudger. o.
therwyse is/ for there the writte shall
abate by the dethe of the lordc para-
mont/ for that/ that the tenaunt may
nat be attēdaunte to a deed parson.

☞ **I**f the tenaunt do sell the **M**eca- **B. 34.**
naltie by fyne hangynge a writte of **E. 3.**

Meeane/ & the tenaunte sueth forth
his writ & foriuged his **M**eeane nat
withstandynge this alienaciō o^r sale
the tenaunte shalbe attendaunte to
the chyefe lordc / and the graunte of
meanaltie/ shall nat charge the te-
naunte to attourne.

☞ **I**f the tenaunt by distreyned for **A. 15.**
suche seruices/ that the tenaunt hol- **B. 6.**

deth of the **M**eeane / he shall haue a
writte of **M**eeane mayntenaūte with-
out any notice made to the **M**eeane/
but if he be distreyned for other seruy-
ces than the tenaunte holdeth of the
Meeane/ thā he oughte to make kno-
welege to the **M**eeane/ & after suche
knowelege/ he shall haue a wrytte of
Meeane/ & nat afoze.

☞ **N**ote ye: that in a writte of **M**eca- **A. 2.**
ne/ the quantite/ of the seruyces shall **B. 5.**

Natura breuium.

X.16.

E.3.

nat make pssuc/as if the pleyntyfe declare/that he holdeth.xx.acres of lāde of the defendaunte by certayne seruices & sheweth whichc/and howe he holdeth ouer by many other seruices and howe the pleyntyfe is distreyned the defendaut shall say/that the pleyntyfe holdeth .x. acres of these .xx. acres by certayne seruice & shewe whichc/and by many other mo seruices/that the pleyntyfe hath nat supposed and that he holdeth these other.x. acres by other seruices/than the pleyntyfe hath declared/ & demaunded iudgemente of the declaracion/nowe the pleyntyfe shall saye by protestacion nat knowynge.xx.acres are holdē by many other seruices/ashath bē alledged/but that they are holden by one hole seruice in the maner .&c. Quod nota.

M.21.

E.3.

☞ Tenaunte for terme of lyfe /the tenaunte shall nat haue a wytte of Meane agaynst the Meane/ for he is nat tenaunt to hym but to hym in the reuercion/but if he be distreyned for homage he shall haue a wytte of Meane/ for he may nat do homage.

Natura breuitum. Fo. 132.

☞ But ternaunt for terme of lyfe for ternaunt where the remaynder is ouer in fee/he shall haue a writte of **Wica** ne agaynste the **Wicane**. The same lawe is of ternaunt in dower. **T. 17.**
E. 3.
E. A. 15.
H. 6.

☞ If ternaunt by the courtesye be of a meanaltpe / the ternaunt parauale / shall nat haue a writte of **Wicane** agaynste hym in the reuercio leuyng the ternaunt by the courtesye. **D. 14.**
E. 2.

☞ The defendaunte in a writte of **W. 22.**
Wicane sayth / that where the pleyntye hath declared that he holdeth of me / and I ouer of **C. B.** I saye / that I. holde of **C. B.** as in ryghte of his wyfe / & it is thought that it is a good plee : for otherwyse if the ternaunte ought recouer / by this writ the meane shalbe charged to. ii. acquytalles / the one by estoppel / & the other by cause of the meanaltpe agaynste **C. B.** and his wyfe as in the ryghte of his wyfe. **E. 4.**

☞ If the lord distreyn the beastes of his ternaunt where there is a **Wicane** / the **Wicane** maye put his beastes in to the pounde in gage / for the beastes of the ternaunte / and shall haue a **An. 7.**
H. 4.

Natura breuium.

repleyn / and pleade with the lorde
& so euery estate saued / & if the meane
refuse to helpe his tenaūt by this ma
ner / the tenaūt shall haue a writte of
Wicane / vpon the speciall matter.

**T. II.
E. 3.**

¶ In a writte of Wicane it is no
good declaracion / to saye that the de
fendaunt / and his auncestours hath
acquited the pleyntye and his aun
cestours / & those / whose estate hath
but he shall saye that he holdeth of hi
by homage / fealte / and certayne rent
of whiche seruyces he is seysed / and
saythe / that he and his auncestours
hath acquyted the pleyntye and his
auncestours / tyme out of mynde. &c.

**¶ A writte / de Querela
falsca foze.**

**A writte
de Que
rela fals
ca foze .
is sicke**

Cum domini regis apud W. in gupl
halda eiusdem ville secundum con
suetudinem ville illius / ac liber
tatem burgens. ville illius per diuersos
reges. Angl. contra dictum regem nunc
confirmat coram Johanne S. & A. T.
ball' ville predictae die lune prox. post fe
stum sancti Bar. apud. Anno reg. E.

Natura breuium. Fo. 133.

fiii. ix. ad hanc cū venit **T.** abbas sc̃i
Petri de Hyde iuxta **w.** in propria
persona sua/et queritur versus **Tho**
mā **L.** capellanū **L.** atuat beate **Ma**
rie virginis in ecclesia sancti Petri
in **L.** de placito assisa **Friscetorie** di
cendo: quod idem **Thomas** **L.** iniu
ste et sine iudicio: ac vi recenti discessit
eum de libero tenento suo in **w.** post
primam transse domini **H.** filii regis
Johannis in **vascon**/ & infra quercen
tenam. &c. inuenit pleg. de pro^o que
relam suam **J.** **H.** et **J.** **S.** Ideo se
cundum consuetud̃ ville predictę pre
ceptum est **R.** **J.** & **R.** **w.** seruientib⁹
domini regis ad clauas in eadem vil
la et ministris cū predictę quod re
sci⁹ faci⁹ tenent⁹ predictum de catallis
que in ipso capta fuerunt & ipsum te
nemētum cū catallis esse in pace vsq⁹
ad pro^o. cū coram maiore et balliū
ciuitatis predictę in **guyhalda** pre
dicta tali die pr. futurū tenendum. Et
interim faci⁹. 12. liberos & legales ho
mines de vil⁹ predicto infra precu
ritum libertatis ville predictę videre
teñ illud & nomina eorum inbreuari
Et quod summa eos per bonos suff

Natura breuium.

¶ tunc sint parati inde facere recogn
Et q̄ poñ per vad & saluos pleg. pre-
dictum T. vel ballium suum si ipse
inuentus non fuerit q̄ tunc sit hic au-
ditur illam recogn. Et q̄ tunc habeat
hic sum nomina pleg. &c. Et sup hoc
eidem abbas polo suo J. H. versus.
T. S. de predicto plito ad quem die
prefat seruient returñ hic panellum
de nominibus recogn quod huic rotu-
lo est consuet. & testant q̄ eodem re-
cogn sum sunt per Adam p̄ye &c. R.
S. quorum vterq̄ manucapitur per
Joannē Donne R. S. T. J. & T. S.

This writte lyeth in case where
a man is disseysed of tenemen-
tes that are deuifable / as i the
Lyte of London / or other Borough
or towne that is fraunchesed / than
the disseply shall come in to the court
of suche a towne / that is in fraun-
chesed. &c. And entre his pleynt / whe-
rein he shall shewe howe he is dissey-
sed / and vpon that shall. xii. men saye
theyr verdite / in lyke maner / as in al-
lyse of nouell disseyson. And knowe
that the cause why that it is called

Natura breuium. Fo. 134.

fresh force is for that / that if the dys-
scysy cause nat his pleynte to be en-
tered / nor recouered within .xl. dayes
he shalbe put to his recouere at the co-
mon lawe .s. to Assyse of nouell dys-
scysō (Et ideo q̄rc.) And if the mayre
and the mynysters of the court wyll
nat a warde execution of the iugemēt
of this fresh force / than the partye
pursuaūt / or pleyntyfe shall haue thys
writte folowynge to haue execution
after the fourme of this pleynt / and
shall be dyrected to the baylyfes of
the same towne. And the writ of exe-
cucion is suche.

R Ex balliuis J. de L. salutē. Preci-
pimus vobis q̄ executionē iudicii
nuper redditū in cū nostra de R. sine
breui nostro inter A. et B. de quadā
frisca forcia eidem A. per p̄fat B. i R.
fact / vt dīc / sine dilatione fieri fac̄ T.
et. Et sic alias & cum plures : it nede
be. et.

**A writte / de Ex gra-
au querela.**

Willelmo
de exgra
ui quere
la/is su-
che.

Natura breuium.

Rex maiori & vic Londoni salutem. Ex graui querela J. filie E. & M. sororis eiusdem J. ac cepimus quod cum scdm cons in eadem ciuitate hactenus obtentam et approbatam licet vniciq; ciui eiusdem ciuitatis test sua in eadem ciuitate in testamento suo in vltima voluntate sua tanq; catalla sua legat cuiq; voluerit ac S. ciuis ciuitatis p dicte. iiii. mesuag. cum pti in eadem ciuitate in testamento suo et vltima voluntate sua. Et habend sibi et her suis de corpore suo creunt legasset R. & D. brori eius duo mes. & tres shopas inde pzfatis J. & M. filiabus et her ed eiusdem R. de forē minus iuste in ipsarum J. & M. dispeditum nō mod et grauamen. Et quia eiusdē iniuria ri nolumus in hac parte vobis pccipimus q; vocatis coram vobis partibus predict auditisq; hinc inde earum rationibus inspectis tenor testamenti predicti eiusdem J. & M. licet ri fac debitum & festinum iustitie complementum prout de iure et secundū consuetudinem predictam fuerit faciend & hactenus in casu consimili fie

This writte lyeth where a man
is seyled of certayne landes or
tenementes in fee / within a
Cytie towne or Borough / whiche lan-
des or customes are deuifable & he by
his testamente deuife to a man the
sayde tenementes / & dyeth / if his heyre
or any other man entre in the sayde
landes or tenementes so deuifed / tha
the deuife or his heyre shall haue the
sayd writte agaynst the heyre of the
deuysour / or agaynst any other ma
that abated / nat regardynge in what
maner degre that he is in / after the
deuife made / if the deuysour dyeth /
the deuife nat anulled in the lyfe of
the deuysour. And knowe ye / that
this writte wyl neuer be pleaded a-
foze the kynges Iustices / but all ty-
mes afoze the Mayre / and the Bay-
lyfes of the Cytie / or Borough / or afo-
ze the Baylyfes where there is no
Mayre / or afoze the Baylyfes of any
towne or afoze baylyfes of fee / or
seignorie / where there is suche ba-
sage. And knowe ye: that no frehold

Natura breuium.

maye be deuised/but where suche vsa-
ge is/for eury deuise of freholde is a-
gaynst the comō lawe/but the lawe
suffers suche deuise to be made by cau-
se of suche vsage of so lōge tyme vsed

Proces

And the proces is suche /that the te-
naunt shalbe somoned to be afore the
mayre and the baylyfes at a certayn
daye to shewe wherefore the other
oughte to haue execution / & if he can
nothyng saye agaynst hym / than
the demaundaute shal haue execu-
cyon . .

*** Addition.**

Note ye what deuises are good
& what nat / & who shal deuise / and of
what thynge / & who shal haue auan-
tage of the deuise.

Q. 22.

E. 3.

Note If lande be deuised to a man by
testamente without shewynge what
estate he shal haue / he hath nothyng
but for terme of lyfe.

Q. 4.

E. 2.

Note ye / that the husbande may
deuise lande in fee. or for terme of lyfe
to his wyfe.

Q. 3. E. 3

It. Not

Note A woman maye nat deuise lāde
by her testamente to her husbāde / for

Natura bzeium.

fo. 136.

bycause she maye nat make testamēt
but by the assente of her husbāde / &
that is the dede of the husbāde to ma-
ke estate to hym selfe / whiche is a-
gaynste the lawe.

☞ Lande deuyfable is gyuen to the
husbāde & his wyfe / & the heyres of
theyr .ii. bodyes begotē / & for defaute
of suche yssue to remaīne to the right
heyres of the husbāde / the husbāde
deuised the same remaynder to his
wyfe that is tēaunte in taylor / and
dyeth without yssue betwyxte them /
this deuys of remaynder is good.

A. 27.

E. 3.

Li. aff.

Plito.

40.

☞ A woman seysed of certayne lan-
de deuyfable take a husbāde & hath
yssue / and the wyfe deuise the lāde to
her husbāde & dyeth / now he shall
be iuged in / as tēaunte by the Cour-
tesye / & nat astēaunt by force of the
deuise / for the freholde begynneth in
hym afore the deuise.

ps. 29.

E. 3.

☞ A man deuised landes for terme
of lyfe / & deuised forther that his exe-
cutours shulde sell the reuercion / and
dyed / the executours solde the reuer-
cion without dede / for bycause that
it is but a contracte & the reuercion

M. 19.

H. 6.

Natura.

S. 1.

Natura breuium.

passeth by the auctorite of the deuyse
and the testamēt is the cause that the
reuercion passeth/ for if a man make
a monke his exccutour / and deuyse
that his exccutours shall sell the re-
uercion/that is good without dede/
for otherwysc it shall neuer take effe-
cte/for a monke maye make no dede
that shall bynde hi/ & a fynce he maye
nat leue / for that / that he hath no-
thyng in that.

M.5.

E.2.

P.16.

E.3.

☛ A wyfe of the assent and wyll of
her husbände maketh a testament &
deuised by the same / halfe the goos-
des of the husbände/and maketh her
exccutours who pueth the testamēt
by the assent and wyl of the husbāde
that is good deuyse.

M.26.

H.6.

☛ If a man deuise lande wherof he
is nat seysed/if after he purchase the
lande/the deuise is good.

Nota .

9. H.6.

☛ Note ye / if lande be deuised to a
man / & to his heires males of his
body/ and he hath yssue a daughter
whiche hath yssue a sone / the sone
shall enheryte / and yet of a gyfte o-
therwysc is.

M.38.

H.6.

☛ Note ye/that the kynge may nat

Natura breuium. Fo. 137.

Deuise lāde by testamēte/nor gye no
thyng but that/that he hath in pos-
session/by Forfeiture.

☞ Note ye / that exccutours maye
paye the dettes afore any deuise per-
formed.

A. 2.
H. 6.

☞ It is sayde / that there is diuer-
syte betwixt a graunt & a deuise/ for
if one deuise lāde to me for euer / or to
my assignes for euer. &c. & speke no
thyng of by heirs. &c. that are wor-
des of enherytaunce/ yet the deuise is
good to take effecte in the deuise as a
fee simple/ for that/that his wyl & in-
tent shalbe taken in this case. &c.

M. 18.
H. 6.

☞ If a mā deuise goodes & dyed / the
deuise may nat take the goodes with-
out lyuere of the exccutours.

M. 37.
H. 6.

☞ If a man deuise a boke/ or any o-
ther thyng to one for terme of lyfe /
and after his decease the reuercion
to another for euer/ if the exccutours
deliuer the goodes to the fyrste deuisee
and after the deliuer the deuisee
dyeth / that the seconde deuisee maye
seise the goodes without liuere of the
exccutours/ for possession of the fyrste
is the possession of bothe/ whiche was

A. 37.
H. 6.

Natura.

S. 11.

Natura breuium.
denyed by some men/therfore enque-
re the lawe.

¶ If. ii. ioyntenauntcs arc/ and the
one deuyse all that/ that to hym belō
geth to a straunger & dyeth / this de-
uyse is voyde. *Causa patet. &c.*

¶ A writte/ de Cōi custodia.

A writte
de Cōi
custodia
is suchc.

R Ex viē salutē. p̄reē A. q̄ iuste
et sine dilatione reddat B. cu-
stodiū terre hered̄ D. & E. que
ad ipsū B. ptinet eo q̄ p̄dictus D. ter-
rā suā de eo tenuit p̄ seruitiū militare
vt dic̄. & nisi fec̄ / & p̄dictus B. fec̄. &c.
tunc sum̄. &c. T. &c.

Proces

This writte lyeth where a mā
holdeth landes tenementes of
another by knyghtes seruiſe/
and the tenaūt dyed his heyre withi
age a straunger entreth in the landes
& obteyne the warde of the body thā
the lordē of whome this lande is hol-
den/ shall haue the sayde writte. And
the proces is in this writte/ somons
attachementē / & ii. distresses & daye
shalbe gyuen afore the secōde distress

Natura breuium.

Ho. 138.

retouened the.iii. hyre courtes maye
be holde. And this proces is gyue by
the statute of westm. 2. Capi. 35. whi
che thus begynneth. De pueris sine
masculis. &c. And with that agreed
Marl. Ca. 7. whiche begynneth. In
plito vero de coi custodia. &c. As to
the distres/ but nat to the pclamaciō
And also wyl the sayde statute/ that
if the defcundaunt come nat at the pro
clamacions made in the.iii. countyes
the pleyntyfe shal rccouer the warde
for the tyme / sauynge another tyme
the ryghte of the defendaunte whan
he wyl speke. And also if the warde
belōge to the lord by reaso of a warde
that he hath in possession / & a straun
ger opteyne the same warde the lord
shall haue the sayde writte/ but the co
mon p̄oces is/ as afore was used i
the comon lawe/ and the lord shal hol
de the warde by reason of the warde
vnto his full age/ & this is the cause/
for that/ that it is a chatell in hym/
and he is therof seyled/ & he maye nat
be put out of possession afore the full
age of the heyre. And knowe ye: that
if the gardeyn make waste in any pte

Natur a brenium.
of the warde / he shall lose the warde
and ouer that he shall yelde dammas
ges to the enfāt / and if the warde lost
suffysed nat to the value of the dam
mages afore the age of the heyre he
shall make gree of the remenaunte.
And that wyl the statute of Bloē.
Ca. 5. In the middes / whiche begyn
neth. Enscement est purucu. &c.

**A writte / de Entrusion
de garde .°.**

**A writte
de En-
trusion de
garde is
suche.**

R Ex vñ salutē. Si A. fecit te. &c.
hic sum. &c. B. fil et her D. q
sit coram. &c. ostensum quare
cum custodia terre et her ipsius D. ad
ipsum A. vsq ad legitimam etatem
predicti her pertinet ratione dimissio
nis quam A. de B. de quo predictus.
D. terram suam tenuit per seruitium
militare / inde fecit prepieto A. & idem
B. infra etatem existens se in terram
predictam intrusit & custodiam illam
a prefato A. adhuc detinet ad gra
ue dampnum ipsius A. ut dicitur. Et
habeas ibi summa et hoc breuit. &c.
Teste. &c.

Natura breuium. Fo. 139.

This wyrt lyeth where the Infaunt within age entred i his landes & holdeth his lordc out the lordc shall nat haue the forsayde writte de Cōi custodia/but this wyrt of Intrusion of warde .

¶ Addition.

¶ Note ye/that an Abbot shall haue this writte of Intrusion/of an Intrusion made in that tyme of his predecessour/& he shall make mencion in his writte that grece was nat made to his predecessour nor to hym . T. 11.
B. 4.

¶ A writte for the valure of the maryage.

Rex viē salutē. Si. A. fecerit te secut. &c. tunc sum B. filii & he redē &c. ostens quare cū ma ritagiū pdicti B. ad pdictū A. ptinet eo/q̄ pdictus C. terram suam de co tenuit p seruitiū militare & idē A. pdicto B. dum infra etatem fuit cōpētens maritagiū obtulerit idem B. maritagiū reuocans pfecto A. de A writte
for the
valure
of the
marya =
ge is su =
che.

Natura breuium.

maritagio suo/ nec satisfactionem et
satisfacere contradicit ad graue dāp-
num ipsius A. et contra formam sta-
tuti predicti/ vt dict. Et habcas. &c.
Teste. &c.

This writ lyeth / where the lord
profereth conuenable marriage
to the Infante without dis-
pargement/ & he refuse/ the lord shal
haue this writte/ wherby he shall re-
couer the syngle value of the ma-
ryage. &c.

A writte of Forfayture
of maryage.

A writte
of For-
fayture
of mar-
ryage
is suche

Rex viē salutem. Si A. de B. fe-
cerit te secus de clam suo. &c.
tunc sum. &c. C. filium et heredem
D. q. sit. &c. ostens quare cum marita-
gium ipsius C. vna cū custodia ducē
tarum aq. terre cum pertiū in K. ad
ipsum A. ptineat ratione dimissionis
H. cui B. cum dimisit de quo p. dictus
D. terram suam tenuit per seruitium
militare inde fecit p. f. A. & idem A.
p. f. A. dum infra etatem fuit cō-

Natura breuium. Fo. 140.
potens maritagiū absq̃ vlla dispaga-
tione/iuxta formam statuti de cōmu-
ni consilio regni nostri inde prouisi se-
pius optulerit idem A. maritagiū
illud recusans vel sine licentia et vo-
luntate ipsius A. maritari fecit / et se
in terram predictam prefato A. pro
maritagio suo non satisfacto violens
ter intrusit/ & de maritagio p̃dicto ei-
dem A. satisfacere contradicit/ad gra-
ue dampnū ipsi⁹ A. & contra formam
statuti p̃dicti vt dicit. Et habes ibi
sum. &c. Teste. &c.

This writte is gyuen by the sta-
tute of Mertō. Capi. 6. & lyeth
where the lord profereth Cō-
uenable mariage to the Infant with-
out dispergemente / & he refuse / & he
beyng with in age may hym selfe /
in this case the lord shall haue the
writte of forfayture of maryage & re-
couer the double value. And if thȝ Bar-
deyn hath recouered the value of the
maryage agaynst the raupthouer / if
he pfer to the heyre a conueniēt ma-
ryage & he refuse to be maryed / & after
marie hi selfe / the lord shal nat recouer
the double value of the maryage / for

Statuta breuium.

that/that he take the value of the marriage of the ranslour. Also if the heyre that is ransloured is married without assent of the ranslour / and after the Bardeyn recovereth the value of the marriage agaynst the ranslour / in this case the ranslour shall nat haue this writte of forfayture of marriage agaynst the heyre / for the heyre maye pleade that he hath no righte to the seignorie / nor the lord shall nat haue a writte of forfayture of marriage / for that / that he hath receyued the value of the marriage agaynst the ranslour. Note ye. after some mens oppinions a writ of forfayture of marriage / nor the value of the marriage is nat gūe to the lord / where he hath the lande in his hande by reason of whiche he hath the warshype / but if the heyre abate in the lande at his full age afore that he hath agreed with the lord for his marriage / he shall haue the sayd writ for that is mentioned of in the writ / but in case that he hath nat the warshype of the lande / he shall haue the writte aforesayde / for they shall be no

Natura breuium. fo. 141.
mencion made of the abatemente of
the heyre in to the lande.

An Addition.

Land was gyuen to the husba-
de & his wyfe/ & to the heyres of theyr
two bodyes begotten/ and hath issue
a sone/ the husbände dyeth/ and after
the wyfe dyeth/ & the lord seyle the
warde/ and profer to hym maryage/
the whiche he refuseth/ & maryeth hi
selfe/ and at his full age/ he entred in
his lande without greamente made
to the lord/ the lord bryngeth a writ
de Quare se intrusit maritagio non
satisfacto/ in the whiche writte he
dyd suppose / that the defendaunte
was heyre to his father / where the
mother suruyued/ and the defendaunt
pleaded that / in abatemente of the
writte / and the writte was adua-
nced good: for that/ that it is in the p-
sonalte/ and it is a personall wronge
made by hym selfe to whiche he ou-
ghte answer. And the Bardeyn
shall recouer the doble value of the
maryage.

19.43.
E.3.

Natura breuium.
¶ A writte de Kaufhemet
de garde.

A writte
de Kauf
hemet
de garde
isluche.

Rex viē salutem. Si A. de B. et
E. vx eius fecerint. &c. tūc pone
&c. qd sit coram Iusticiē nris ad
primam assisam. &c. ostens quare A.
filie & heredū B. infra etatē existentē
eius maritagium ad ipsos A. & E.
pertinet apud W. inuentū rapuit & ab
duxit contra voluntatē ipsorū A. & E.
et contra pacē nrām.
¶ Et si hec sit in codē Comitatu/
tunc addat ista clausula. Et interum
diligenter inquiras vbi ille here est in
ballina tua & ipsam vbiūq; inuēti
fuerit capias et salvo et secure custo-
dias: ita qd eū habeas ad prefatam as-
sisam coram pfatis Iustitiariis / vel
coram nobis ad pfatum terminum/
vel coram prefatis Iusticiē nris ad pre-
dictū diem ad reddendū cui vel quib;
dictorū A. E. & J. reddi debet. Et ha-
beas ibi nomina plegis & hoc breue.
Teste. &c.

Ostensum quare cū custodia Julia-
ne filie & vnius hec B. ad ipsū B.
pertineat ratione vditionis qd A. de
A. de quo predictus B. terram suam

Natura brenium.

fo. 142.

tenuit per seruitium militare / idē fēz
eidē A predict B. & C. predictam Ju-
lianā infra etatem in custodiam ipsi-
A. apud R. existē vi & armis rapue-
runt & abduxerunt / & bona / & catalla
ipsius A. ad valent. &c. ibidem inueni-
ceperunt & asport. &c.

This writte lyeth in case where
any lord is in possession of the
wardshyppe of the lande / & of
the bodye / and a straunger rauisheth
the bodye of the Infānt without any
other thynge / than the lord shal nat
haue the forsayde writte: de Ad cus-
tod: but this writte of rauishment
of warde / that supposeth the Infānt
to be rauished with force and armes
And for that the proccs is as is con-
teyned in the forsayde statute / that is
to saye / Somons / attachement / & di-
stres / & for defaute of distres pccs of
vtilawp / as i a writte of Trespasse.
And Note ye: that whā the hey-
is rauished in one countye & brought
in another countye / thā the lord shal
haue suche a writte / the whiche is gy-
uen by the statute of wclm. seconde

proccs

anno: 14

Natura breuium

Capitulum 35. which be gynneth. De
pueris masculis / sine femellis quorū
maritagium. etc.

R Et viē salutē. Quodam est A. q. B.
nup. C. filium et heredem J. infra
etatem q. in custodia sua apud A. in
com. A. existentē rapuit et de com. illo
ad talem locum in com. tuo abduxit
contra voluntatem ipsius A. q. con-
tra pacem nram. Et ideo tibi precepti-
mus: q. p̄dictus C. ubicunq. in balli-
na tua inuenit poteris capias salvo
et secus custodis ita q. cum habeas co-
ram Justic. nostris tali die ad reddē-
dum cui p̄dictus A. et B. reddi de-
beat. etc.

D Et herede abducto fiat tale breue.
R. et. etc. Ostensum quare cum cu-
stodia ter. et heredis D. usq. ad legit-
timam etatem eiusdem heredis ad ip-
sum A. pertinet / eo q. p̄dictus D. ter-
ram suam. etc. Et eidem A. in plena
pacifica seisinga. etc. p̄dictus D. filius
q. heredem. etc.

And the p̄cis is / as is aforesayd
in the writte of A. authentication. of
warde. etc.

And Note ye / that if any man hold

anno 16

300000

death any lades / or tenementes of any
lord by knyghtes services & dyeth / or
heyr within age / the same lord may
entre in the warde of the lade / or take
the bodye of the heyr. And if one te-
nant holde .ii. acres of land severally
by severall services / that lord of who-
me the lade is holde by the ancient ser-
fement / shall have the warde of bodye
& that is givē by the statute of west-
minster. 2. Capitulo. 16. *et*

¶ And Note ye: that there is .ii. ma-
ners of wittes of warde. The one is
where a man holdeth of another / lan-
des by knyghtes services. The other
where he holdeth in socage. The
wardshype by knyghtes services be-
longeth to the chiefe lord of the fee.
And the wardshype in socage belon-
geth to the next kinsman / after the sta-
tute de wardis / to whom the herita-
ge maye nat descende. But in case
that the mother be an lyve and the
heritage descende fro the parte of the
father / and the heyr be within age
the mother shall have the wardshype
as well of the lande as of the bodye
and in the same maner shall the

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Father have / etc shall other Copies
of all Records have.

And in case that the next frende
be deforced of the warde / he shall ha-
ue this writte.

Rex viē salutem. ꝑꝛecipe A. q̄ iuste
et. reddat B. custodiā terrē et herē-
dis A. que ad ipsum B. pertinet: q̄ p̄-
dictus A. terram suam tenuit in loca-
gio et p̄dict⁹ B. est ꝓꝓinquior heredi
ipsius A. vt dic̄. Et nisi fecerit. et.
Teste. et.

And if the heire in Socage be ra
nished & not married / than the Bar
on shall haue this writte.

Per vie salutē. Si A. fecerit te. &c.
 de. &c. tunc pone. &c. B. q. sit. &c. co-
 ram Iustiz. ostens. quare cū custod
 terre et heredis C. vlsq. ad legitimā
 etatē ipsius heredis ad ipsum ptinet:
 eo q. predictus C. terrā suā tenuit
 in feodagio: et predictus A. propinquor
 est heri ipsius C. infra etatem/ & in cu-
 tod ipsius A. crastit/ apud R. inuen-
 tum vi et armis cepit et abduxit/ et a-
 ra choronia vi. &c. vi in byene de Trāf
 gressione. *as 1000! 111 10 110010*
 Alter qū maritatur. Mer. &c. vi et

Natura breuium. No. 144.

armis cepit et aduxit. &c. ipsum sine li-
centia et voluntate ipsius A. marita-
uit ad graue. &c.

And Note ye/that a writte of Ba **H. 3.**
uillemente of warde for the Bar **E. 2.**
deyn in Socage /is nat gyuen by the
statute of westm. 2. Capi. 35. whiche
begynneth. De pueris. &c. But for
that/that the statute of westm. 2. Ca
24. is/querentes non recedat a Ca
cellat sine remedio: this writte is gy
uen by the comon counsell of the chan
cerie / & the writte was that he clay
meth the warde vnto he come to full
age/ & the writte was awarded good
Note ye/that Wardeshyppe in So
cage maye nat be solde.

And Note ye/that a man maye
demaunde the wardshype in thre ma
ners. One maner is /whan a man de
maundeth the wardshype of the late
& of the bodye by a writte of righte of
warde/as afoze is sayde. The secōde
maner is / whan one tenant hol
deth of two lordes /of the one by prio
ritye/ & of the other by posteriorite: the
lorde of the posteriorite maye nat
byng a writte of warde of the late &

Natura.

T. 1.

Natura brcuium.
The bodye: for the bodye belongeth to
the lord of priorite / & they the lord
of posteriorite / shall haue a writte of
Electment de garde. The thyrd ma-
ner is / whan a man hath the lande &
nat the bodye: Than he shall haue a
writte to demaunde the bodye with-
out the lande / & that by this wyse of
Rauishment of warde.

And note in case / where the heyre
hath ben in warde of the lord / & the
lord wyll nat delyuer to hym his la-
des at his full age: Than the heyre
shall haue Assise of Mordauncestone
and recouer the lande with his dam-
ages: after that / that he came to his
full age. As it appereth by the statu-
te of Edw. Ca. 16. whiche begynneth
Si heres aliquis. &c.

And Note ye: that if the Infante
be maryed in the lyfe of his father /
though that after the deeth of his fa-
ther he is within age / & the wyfe of
the heyre dyed / the lord shall nat haue
the maryage: for that / that he was
onc tyme maryed. In the same ma-
ner is if the lord marie the Infante
and his wyfe dyed / he beyng within

Natura breuitatis. Fo. 145.

Age the lord shall nat haue the ma-
ryage another tyme.

¶ It is sayde that there is / Ward-
eyn in ryghte / & Wardeyn in dede /
for if the Wardeyn in dede let the lande
to a straunger for yeres / a wytte of
dower / or a wytt of warde is nat mai-
tenable agaynst hym but agaynst
the lord. Other wyse is / where the
Wardeyn in ryghte / or Wardeyn in
dede lettes his estate without lymy-
tyng vnto the ful age of the Infant
in whiche case the wytt shalbe main-
teyned agaynst those lesles.

¶ And Note / that if the heire hath
ben in warde / he shall paye no reliefs
but where his auncestour held of the
kyng by knyghtes seruice / or by fee
seruice / that payeth knyghtes scrvice
the kyng shall haue the warde of all
the landes and the bodye / and when
he cometh at his full age / he shall
paye reliefs to these other lordes /
after the quantite of his tenure /
as it appereth by the grete Chart-
our. Ca. 1. But the heire in fee simple

Natura.

A. ii.

241.07 Natura breuium.

Socage/ when he cometh to his full age after the deth of his auncestour he shall double the rente that he was wont to paye to the lord and that shalbe in place of reliefe. As it appeareth by the statute de wardis et releuiis. Capitulo primo.

Note ye / that **Socage** maye be sayde in thre maners / that is to saye **Socage** of free tenure / **Socage** of ancient tenure / and **Socage** of base tenure. **Socage** of free tenure is / where a man holdeth by free service of xii. d. by the year for all maner of service or by other services purely. And in this **Socage** the next colyn to the Infant / to whome the heritage may nat discende / shall haue the warde as it is sayd afore. **Socage** of ancient tenure is of lande of ancient demane where no writte original shalbe sued but the writte of ryght / that is called **Socum consuetudinem manerum**. **Socage** of base tenure / is of those that holdeth in **Socage** / and may haue no other writte but the **Monstrancum** & suide. **Knights** holdeth by no certayne service / or for that are they nat

warde. &c. it was sayde / that if the te-
nant of a biſſhoppe dye / his heire
withyn age / & after the biſſhoppe dyed
& ſeyſed nat the Infant in his lye /
the ſucceſſour maye ſeyſe / or haue a
wytte of ſauſthement of warde /
And it was ſayde / that it is no plice
in a wytte of ſauſthement of warde
to ſaye that the anceſſour of the In-
fant helde nat of hym: for whether
he holdeth of hym or nat / it ſhall nat
be lawfull for no man to ſauſthe
the warde from hym / without after-
impinge title in hym ſelfe.

Ed. 10,
R. 3.

In a wytte of ſauſthement of
warde / the pleyntyfe declareth that
the father of the Infant holdeth of
hym a maner by knyghtes ſeruite in
ſocage. and that the defendaunte hath
hym ransomed / and in the wytte the
Infant was made heire to his fa-
ther / becauſe that the father dyed ſey-
ſed of the ſayde maner in his demer-
ne / as of ſocage. And the defendaunte
alleged that the grandfather of
the Infant dyed later ſeyſed. &c. ſo
oughte he haue ben made heire to
the grandfather / and nat to the fa-

Natura breuium. fo. 147.

ther/and that was no p^lce withoute
shewynge that the graūdfather dyed
later scy^sed by title/fo^r it may be that
he was in by abatement / and after
the issue was taken / that the graūd
father dyed later scy^sed of fee / with-
out that / that the father dyed scy^sed
of fee / and the pleyntyfe mayntey-
ned that the father dyed scy^sed of
fee. &c.

A wytte of Rauschement of **R. 8.**
warde was broughte agaynst .iii. **E. 3.**
men and a woman / the enquerer sayd
that the men were gyltye of the Ra-
uschement / and nat the woman / but
that she marped the Infante to her
doughter / and fo^r that was she lyk-
wyse aiudged gyltye / as the other
were / and the pleyntyfe recovered the
value of the maryage withoute Dam-
ages / and they awarded to pryson
by the statute of westmyster. 2. Ca.
primo. And it was demaunded of the
pleyntyfe if they were sufficiente o^r
nat / & he sayde that they were: fo^r o-
therwyse they oughte be awarded to
p^{er}petuall pryson / o^r aburre the lāte by
the same statute.

Natura breuium.

¶ A writte/de Eiectione
custodie.

A writte
de Eie-
ctione cu-
stodie is
Curie.

Rex hie salutem. Si A. fecerit
et. tunc sum per bonos. et B.
q. sit. et. tali die ostensum qua-
re cum custodia terre et heredi D. una
cum matrimonio usque ad legitimam eta-
tem eiusdem hie ad ipsum A. ptineat
pro eo q. predictus D. terram suam
tenuit de eo p. seruicium militare. Et idem
A. in plena et pacifica sua eiusdem cu-
stodie extiterit predictus B. ipsum A.
a custodia illa vi et armis eiecit ac bo-
na et catalla sua ad valentiam L. s. apud
D. inuentum cepit et asportavit et alia enor-
mia. et. et contra pacem nostram. et.
Teste. et.

This writ lyeth where the lord
is put out of the wardshippe of
the lande that he hath in his
possession / than the lord shall haue
the sayde writte agaynst hym that
putted hym out. And knowe ye / that
this writte of puttynge out of the
wardshippe lyeth at all tymes / when
the lord is put out of the wardshippe

of the lande without the bodye. And
a writte of **K**auishmente of warde
lyeth/where the bodye is **K**auished
without the lande. And a writte of
ryghte of warde lyeth where he is
put out of bothe. And it is sayd that
the **S**ardecyn in **S**ocage may mayn-
teyne this sayde writte / & a writte of
Kauishmente of warde / but nat a
writte of right of warde. By the **R**e-
gistre a man maye haue a writte of
ryghte of warde / & also a writte of **K**a-
uishmente of warde by reason of a
warde. And knowe ye / that in a writ
of **R**ighte of warde the proclamaciō
shal nat be made afore the greate di-
stres retourned / but in a writ of **R**e-
ue in the greate distres / it shalbe com-
maunded to the sheryfe that he make
the proclamacion / as is gyuen by the
statute of westm. 2. Ca. 9. whiche be-
ginneeth. **T**ū capital dñi. &c. And also
by the same statute. **C**api. 35. whiche
begynneeth. **D**e pueris. &c. wyl that in
a writte of **R**ighte of warde procla-
macion shalbe made by defaute of the
defendaunte / but by the same statute
in a writte of **K**auishment of warde

Statuta breuium.

by defaute of the defendaunte he shal make no proclamacions / but all tymes a distres. And also knowe ye: that Wardeyn in Socage / is accountable at the full age of the Infante / as it is sayde in a writte of accompte that is to saye / at .xxi. yerres / and nat afoze but the Infant shall haue his landes in his owne hādes whā he is of the age of .xiii. yerres.

Nota.

And Note ye: that of landes holden by knyghtes seruice / the statute of Marl. Capi. 6. whiche begynneth De his autē. 22. wyll that where the heyre is infeoffed / beyng within age by his auncestour / that the lorde shal nat lose the wardshype by reason of suche feoffement made by suche collusion. And also by a feoffemēt made vpon Condicion by the auncestoure yeldyng to hym and to his heyres a greate somme of moncy vnto a certayne terme / at the ende of whiche terme the heyre maye be of full age / and than to enter in to the lande / in this case the lorde shal nat lose the wardshype / if he maye proue by his writte of righte of warde that the te-

Natura breuium. f. 149.

tenant made the feoffement by collusion / and if he profer to proue by the countre / and by writtynge / that the feoffement was made by collusion / he shalbe receyued. It is sayde that if lādes be lette for terme of lyfe the remaynder to another in fee / & he in the remaynder dyed his heyre withi age / the lord shal nat haue the wardshype of hym durynge the lyfe of the tennaunte for terme of lyfe / but if the tennaunt for terme of lyfe dye the heyre beyng within age & enter in the lāde by force of the remaynder / now the lord shal haue the wardshype : for that / that he is in as heyre to his father. And in case that a man lette lādes & tenementes to another for terme of lyfe sayynge the reuercion to hym and to his heyres / if the lessour dyed / his heyre beyng within age / the lord shal haue the ward & marriage of the heyre / notwithstanding that he hath estate for terme of lyfe / to holde of the chiefe lord of the fee. And also if lande be gyuen to two / to the one in taylor / and to the other for terme of lyfe / if he in the taylor dye

his yssue beyng within age/the lord
shall nat haue the warde of the bodie
for that/that the ternaunt for terme
of lyfe/is ternaunt to the chiefe lord
but after the deth of the ternaunt for
terme of lyfe the heire beyng within
age/he in the reuercion shall haue the
wardshipe & nat the lord. If the fa-
ther be seised of certayne landes / or
tenementes/ & hath yssue a doughter
within age that is his heire/and hee
marie to a man of full age/and dyed/
the lord shall nat haue the wardshipp
for that/that the husbande is able to
make the seruices due by reason of
the lande. But in case that a mā ma-
rye his doughter beyng of full age
to an Infant & dyed/in this case the
lord shall haue the wardshipp/for the
wyfe may make no seruices durynge
the maryage quere. And Note ye/
that all writtes of warde except this
wytte of puttynge out of the ward-
shype /maye be pleaded in the countie
& remoued in to the comon place by a
pone. And wher the statute of west-
minster. 2. Ca. 16. whiche begynneth
In casu quo. &c. wyl that if landes

Quere.

Natura brenium. fo. 150.

disceñde frome the parte of the father
holden of one man / & other landes dis
ceñde from the parte of the mother
holden of another man / that lorde of
whome the lāde is holde by the fyrst
feoffement / shall haue the wardshyp
& the maryage / but the tēant by his
feoffement maye chaūge the priorite
& put it in to the posteriozite. But it
is sayde if a man come to dyuers lan
des holden of dyuers lordes by one
feoffement / he that fyrste may obtay
ne the warde of the bodye / shall haue
it / but if landes be holden of the kyng
by knyghtes seruice / he shal haue the
wardshyp as well of the landes holde
of other lordes by knyghtes seruice /
as of any other landes holden of him
selfe / & also shal haue the maryage ha
uyng no regarde to the priorite / nor
to the posteriozite. As it appereth by
the kynges prerogative. Capi. 1. And
Note ye : that it was iudged for the
Erle of warwyke. A. 20. E. 3. where
the Erle was seysed of an Infante
and of his landes : for that / that his
aūcestour dyed i his homage / where
other lādes was disceñded to the same

Infant by another affeſſour / that
 was holden of the kyng by priorite
 or poſteriorite / i the one caſe / or other
 the kyng ſhal nat haue the wardſhyy
 of no landes / but of ſuche landes hol
 den of hym ſelfe / nor the wardſhyy of
 the body / & the cauſe is: for that / that
 the Erie was ſeyſed of the warde at
 one tyme by trewe title. And knowe
 ye / that if any tennaunte dyed ſeyſed
 of any landes holden by poſteriorite /
 the lord of whome the lade is ſo hol
 den obtayneth the wardſhyy of the
 bodye / if after other landes diſcende
 to the ſame Infant / that are holde
 of another lord by priorite / the lord
 that fyrſte obtayned the warde ſhall
 nat be put out of the wardſhyy by hi
 of whome the affeſſour of the heyre
 holde by priorite: for that / that it was
 a chatell one tyme in the poſſeſſion
 of the lord of whome he holde by po
 ſteriorite. And Note ye / that if two
 coparceners bryng a writ of warde
 & the one wyll nat purſue / the other
 ſhalbe receyued to purſue her ryghte
 of the halfe of the lande / & the holt bo
 dye / other wyſe is in all maners of ac

Natura brenium. **Jo. 151.**

cions personalles/as Trespas/Dette
Conuenaunte /oz suche lyke/ the nat
supnge of the one/shalbe the nat supg
of the other. And Note ye: that if an
Infant be rauished and marved by
the Kausshour to one whcarby he is
disperged/ he maye forsake his wyfe
if he hath nat knowe her carnally be
fore the age of. xiii. yerres.

• Addition •

☞ Note ye: that these wordes were
in the sayde writte / Quare custodia
terre et heredis/ and it was challen-
ged for this writte properlye hath re-
lacion to the lande/ and he maye ha-
ue another writte for the bodye / and
nat withstandynge the writte was a-
warded good.

☞ Note ye: that this sayde writte
was broughte of lade & rente / & was
challenged: for that/ that rent maye nat
beholden/ for the Manc is ternaunt of
the lade haupnge regarde to his lord
& of hym he holdeth the lande / & nat
the rente / for this writte of warde/
Eschept/ Testament are nat gynnē of cē

T. 2.

E. 2.

H. 13

E. 3.

Natura breuium.

but after of good wyll the defendante
passed ouer. Ideo querre.

Pa. 11.

E. 3.

In this writte of puttynge out
of the wardshipp by reaso of a demise
suche a clause was in the writte. Et
blada sua apud H. nup crescent mis-
suet et blada illa ac oia alia bona & ca-
talla ibid inuent ceper et asportauit
contra pacē / & for that / that this writ
was graunted vpon the righte of the
seignorie / & within the same an accio
of Trespasse agaynst the peacc con-
prehended / so is there comprehended
within the same accion. ii. accions of
diuers natures / wherfore the writte
abated.

A. 7.

H. 6.

If an Infante beyngc aboue the
age of. xiii. yeres / make affiaunce in
the lyfe of his auncestour / & after his
auncestour dyed / natwithstandynge
this affiaunce / the lordc shall haue the
marriage. Also if the Infante be ma-
ryed in the lyfe of his auncestour and
the aūcestour & she to whome the In-
faunt was maryed dyed / the Infant
beyngc within. xiii. yeres / the lordc
shall haue the marriage / otherwyle
is if he were past the age of. xiii. ye-

Natura breuium. **fo. 152.**

res at the tyme of the deth of his an-
cestour/or at the tyme of the deth of
her to whome he was maryed/for by
the takynge of the seconde wyfe he is
made bigamus / to whiche the lawe
wyl nat constreyn hym / but if the
Infant be maryed by the lord / & she
to whome he is maryed dyed he beig
vnder the age of .xiii. yere: quere if
the lord shall marye hym another
tyme.

¶ If the ternaunt that holdeth by
knyghtes seruice entre into religion
his issue within age/ quere if the lord
shall haue the wardshype durynge
the naturall lyfe of the father / for su-
che deth maketh no discent that tak-
eth away any mas entre/ nor suche
deth intleth no woman to haue do-
wer durynge the naturall lyfe of her
husbande.

¶ A writte of Eschept.

Rex viſ salutē. Preſent. A. q. iuste **A writte**
e sine dilatione reddat B. x. a. of **Es-**
terras terre cū ptu in R. quas **chept is**
B. decem tenuit & q ad ipsū R. reuerſi **suche.**

Natura.

U. l.

Natura breuium.
debent tanq̃ escaeta sua/ eo q̃ p̃dict⁹
B. bastardus fuit et obuit sine heredē/
ut diā. &c. aliter rōne feloni⁹/ quas de eo
tenuit & ad ipsū T. reuerti debēt tāq̃
escaeta sua/ eo q̃ p̃dictus B. feloniam
fecit pro qua suspensus fuit: vel vilas
gatus fuit/ vel sic/ pro qua regnū no-
strum abiurauit. Et nisi fecerit. tunc
sum. &c. Teste. &c.

This writte maye be fourmed i
many maners: for if the very
tenaunt of any lord/ that hol-
deth any tenement of hym without
licence make felonye/ for the whiche
he is hanged/ or for were the kynges
lande/ or if he be heddyd/ or outlawed
or benquished by batayle to deeth/ or
if he be bastarde & dye without heyre
of his bodye/ or dye without heyre ge-
nerall or speciall/ thā if any mā entre
in those landes or tenementes / the
chefe lord of whome he holdeth aft-
a yere and a daye of the felonye made
maye recouer the tenementes afore-
sayde by this writte of Eschept accord-
ynge to his case/ as it appereth i the
registre. And the pces is in this writte

Proces

Natura breuium. Fo. 153.

**Somons/graunde Cape/ and petite
Cape. And agaynste the Jurours ve
nire facias/habcas corpora/& distres
But if the ternaunt in taylor/ternaunte
in dower /ternaūt by the courtesye/or
ternaunte for terme of lyfe/make felo
ny/for the which he is attaynted/as
afore is sayde/ the kynge shall haue
the Eschepte durynge theyr lyues /
and after theyr dettes / he in the re
uerccion shall sue to the kynge by peti
tion/and shall haue the sayde landes
out of the kynges handes / and nat
the lord by waye of Eschepte: for
that/that the sayde ternautes are nat
very ternautes to the lord /for none
is called very ternaunte/but ternaunte
in fee symple. For he in the reuerccio
may nat haue the lande durynge the
lyfe of suche ternautes:for that/that
the lande is gyuen to them by the
lawe durynge theyr lyues without
any suche forfayture to hym in the re
uerccion/but the kynge shall haue the
lande as aboue is sayde/ for the hay
nous acte comitted agaynst his lawe
And note ye:that i magna Carta.ca.
12. whiche begynneth. Nos non te**

Natura.

II. II.

Natura breuium.

nebin⁹. &c. wyl that if the ternaunte
in fee symple make felonye. &c. The
kyng shall haue the landes for a yea-
re & a daye / and after to be yeldyd to
the chyefe lordc Immediate. And by
the kynges prerogatiue. Capit. 17.
wyl that the kyng shall haue suche
landes for a yere & a daye / & after the
tenementes shalbe wasted & distroied /
that is to saye / houses / gardes / wod-
des / and euery other thyng be lon-
gynge to the sayde tenementes / and
after they shalbe deliuered to the
chyefe lordes / excepte those tenemen-
tes that are in Bloch / Kent / and Ba-
uelkynde that are by Custome / for
those tenementes shall reuert to the
nexte heyre as no felonye had ben
made. And Note ye: that if ternaunte
in fee symple be attayned of felonye &
died / his wyfe shal nat be dowed / nor
his heyre enheryte: but if the ternaunt
in taylor be attaynted of felonye and
died / his heyre shall enheryt: for that
that he is helped by the statu. of west-
minster seconde. Capit. 1. that wyl /
that by dede / nor by scoffement / the
heyre in taylor shall nat be barred / but

Natura brenium. No. 154.

in that case/ the wyfe shall nat be do-
wed: for that/ that she hath no accion
at the common lawe/ nor yet helped
by the statute.

Note ye: that where a mā is out
lawed for felonye every accion that
he hath for catclles/goodes/ & enheri-
taunce/ that righte is extinguisshed i
his pson/ & he is nat answerable/ but
if he purchase his Chartour of ydon
& purchase other landes after in fee/
it is sayde that his issue shal enherite
but if his heyre do a felonye/ & for the
same outlawed in the lyfe of his fa-
ther/ & after the deth of his father he
purchase his Chartour of pardō/ yet
he shall never Inherit: for that/ that
the blode betwixte hym & his father
at one tyme was corrupted. And **No**
te ye/ that if a man be outlawed for
Trespasse he shal never be answered
in any acciō psonall vnto suche tyme
he hath purchased his Chartour of
perdon/ but in any plce reale to saye
that he is outlawed for Trespas that
is nat to the accion/ but to the pson/
as excomengement is. And **Note**
ye/ that a mā shal nat haue his Char

Nota.

Natura brenium.

four of ydon for personal Trespasses
allowed/ except he sue a Scire fac out
of the recorde agaynste the partye/at
whose suyte / he was outlawed to
knowe wherefore his Chartour of y
don shulde nat be allowed / and that
is gyuen by the newe statutes of .E.
3. Anno. 5. Capi. 12. And note ye: that
if a man be heddypd for felonye by iu-
gemente/ the lordc shall haue a wyrt
of Escheyte / and shall saye / that
he was hanged/and it shalbe no tra-
uers to saye that he was nat haged/
& that was iuged in the plyamente,
Anno. 8. of E. 3.

*** Addition.**

**ps. 45.
E. 3.**

**In a writte of Escheyt /the writ
was challenged: for that/that he sup-
posed/that he that made the felonye
helde of the father of the demaundant
whose heyre he is / where the writte
shulde be: Quod de eo tenet: for that/
that after the deth of his auncestour
whose heyre he is/he was tenaunte to
hym by cause of the scygnorie disce**

Natura breuium. fo. 155.

ded/ & nat allowed.

☞ If a man holde .ii. acres of lande of a man by seuerall seruices / & dyed without heyre / it is conuenient for the lord to haue two wyttes / and if a man holde of me .x. acres of lande / and afore the statute he make a scoffement of one of them to holde of hym by .vi. d. and dyed without heyre / I shall haue a wytte of Escheyte supposyng that he holdeth of me .ix. acres and .vi. d. of rete / and yet in dede he holdeth the lande of me / and the cause for that / that they of the chancery wyll nat graunte a wytte of any other fournie.

☞ In a writte of Escheyte / it is no plee for the ternaunte to saye that he / that the demaundaunt supposeth to be seysed / that he dyed nat seysed of the lande / but it is a good plee to that he dyed nat his ternaunte / and that issue shalbe taken vpon that.

☞ And by the same reason maye he saye / that he holdeth nat of hym.

☞ In a writte of Escheyt / it is nat conuenient for the demaundaunt to shewe in his declaracion for what

R. 14.

H. 7.

R. 2.

H. 4.

R. 37.

H. 6.

R. 5.

E. 2.

Natura breuium.

- M.14.**
E.3. felonie his tenaunt was attaynted.
¶ And if he shewe any recorde to proue the attaynder/ & errour is i the recorde/ it is nat materiall.
- H.34.**
E.3. ¶ If my tenaunte be iudged to be hanged/ and after is deliuered to the ordynarpe/ I shall haue a wytte of Eschepte.
- M.13.**
E.2. ¶ In a wytte of Eschepte / the demandant maye make discent frome his auncestour to hym.
- H.33.**
E.3. ¶ Note ye: that if rente seruiçe be gyven in taylor/ & the tenaunt in taylor discontinue in fee/ & the tenaunte attourne & dyed without heyre/ so that the lande Eschepte to the discontinue the tenaunte in taylor dyed without issue/ the donour shall haue a wytte of Eschept / and nat a formedō in the reuertour.
- H.13.**
E.3. ¶ By the oppynion of Parſon and Trewe/ that a writ of Eschept lyeth nat of rent/ & that appereth in a writ de Electione custodie.
- H.4.**
A.10. ¶ In a wytte/ of Quare se intrusit
H.6. maritagio nō satisfacto/ the opinion
M.26. is/ that a rent lyeth in tenure.
E.1. ¶ The lord and the tenaunte are/

Natura breuium. Fo. 156.

the ternaunt lette his lādes for terme
of lyfe yeldyng certayne rent/the te-
naunt hath illuc / and dyed / the lesse
payed to the heyre / & the heyre payed
the seruices to the lord / as his ternaunt
& make felonye: for the whiche he is
hanged / the lord shall haue a writ of
Eschept: for that / that he was seysed
by the handes of hym that was at-
tainted / as by the hādes of his very
tenaunt.

☞ Note ye: that if the distress be at **II. 6.**
tainted of felonye / the lord may entre **II. 7.**
in the lande.

☞ A writte de Conuentione.

Rex viſ salutē. Preſent A. q. iustic.
ſc. teneat B. cōventionē factā
int̄ ipsum A. et S. patrē p̄dicti
B. cui⁹ heres ipse est de vno mesua-
gio. ſc. vel sic Inter J. patrē vel ma-
trē / vel fr̄em vel sororē / auūculū / amicū
vel consanguineum p̄dicti A. cuius
heres ipse est / et A. patrē p̄dicti B.
cuius heres ipse est. Et nisi. ſc. tunc
sum. ſc. Ecce. ſc.

A writte
de Cōuē-
tionē is
suche.

421. 10. *Natura breuium.*

This writte lyeth/where conue-
naunt is made by Indenture
sealed betwixte two ptyes / &
the one of them holde nat couenaunt/
than he that feleth hym greued/shall
haue the sayde writte. And also if la-
de / or tenementes be let for terme of
lyfe / or for yeres by Indenture if the
lessour put out the ternaunt / or if the
tenaunt pfourme nat the conuenaun-
tes/he that feleth hym greued / shall
haue the sayde writte. And Note ye:
that no writte of conuenaunt / shalbe
maynteyned without writtigg. And
the pces is/ Somons/attachemēt/ &
distres / vnto the partye come / for
defaute of distres pces of vylawry.
And the writte of conuenaunte maye
be pleaded in the couētyc/ or before the
Justices of the comon banke / & may
be pleaded by the same delayes/ as a
writte of Trespasse maye. And Note
ye: that a writte of Conuenaunt lyeth
nat but betwixte those/ that are par-
ties to the couenaunt/ or theyr heyres/
or theyr assignes/ as the writte wyll.

** Addition.*

Natura brenium. Jo. 157.

Note ye/that this wytte ought **H. 46.**
be/that the defendaunt oughte holde **E. 3.**
couenaunt of so moche lāde/ and nat
generall /as of all the landes lette to
hym/ & the wytte of couenaunt for le
ueynge of a fyne / the wytte shall be
certayne of what lande.

In couenaunte the wytte was **H. 47.**
to holde couenaunt of mesuage and. **E. 3.**
X. acres of lande in R. and the indē
ture was /of all the landes and tenc
mētes in R. the writ dyde nat abate
for the varyance.

Note ye/that if a mā letteth lāde **T. 26.**
in Midd by indenture that are in a **H. 6.**
nother countye/ if the lesse be put out
he shall haue this accion/ of couenaunt
where the lease was made / or in the
countye where the lande is/ nat with
standynge that the dede bereth date
where the lease was made.

Note by the oppynyō of the court **T. 26.**
that a wytte of couenaunt lyeth nat **H. 6.**
of freholde / if it be nat of a speciall
matter shewed/ as if a disseysour lette
landes to me with warrante & bynde
hym by indenture / that if the dis
seysour entre & put me out/ that I shall

Natura breuium .

haue a writte of couenaunt but if the
lessour / or any other that hath no
ryghte put me out / I shall haue a
writte of Trespasse.

**L. 17
H. 6.**

Note ye / that in London a man
shall haue a writte of couenaunt with
out writtynge by the custome.

**A writte de Deditimus
potestatem de fine
leuanda .**

**A writte
de Dedi
mus po
testate de
fine leuā
da is su
che.**

R Ex dilecto et fideli suo A. de B.
salutem. Cum vñ nñm de cō
uentione pendeat coram vobis
& loz vñs. &c. inter W. et H. de decem
acris terre cum pñm in R. and finem
inde coram vobis in eodem banco se
cundū legem leuand. &c. ac prefatus.
W. a deo languidus sit / et senio contra
ctus: q̄ vñs vñstñ ad diem in breui
predicti contētum absq̄ maximo cor
poris sui pñculo venire nō possit ad
cogn̄ / que in hac parte requirit facied
vt accipimus nos statum eiusdem W.
compacientes / in hac pte deditimus vo
bis potestatem recipiendū cogn̄ / quam
predictus W. facere voluerit in pñm

Natura breuium. fo. 158.

Et ideo vobis mandamus. q̄ ad p̄s-
fatum v. personaliter accedētes cog-
nitionem suam recipiatis. Et cum eā
recipieritis p̄fate socios v̄os inde
sub sigillo vestro distincte & apte red-
datis certiores: et tūc finis ille int̄ par-
tes p̄dictas de t̄ris p̄dictis in eodē bā
co leuari possit secūdū legem et cons̄
regni nostri. Et habeas. &c. teste. &c.

This wyrt lyeth in case / where
ii. mē are agreed to leue a fyne
in the kynges courte / and the
one of the partys is so feble / that he
maye nat traunple / than he may pur-
chase this writ out of the chauncerye
to one Juge / or to. ii. or to mo / or to
one seriant sworne to the kyng / re-
hersynge howe the writ of couenaūt
hangeth betwixte the partys / and
he that hath pursued this wyrtte of
Dedimus potestatem / is so feble that
he maye nat traunple. &c. for to make
the recognisaunce betwixte them / &
that the Juge in his proper parson
go to the partye that is so feble to re-
ceyue the recognysaunce / and to cer-
tyfye the Justices of the comon bāke

Natura breuium.

Proces and whan they are comen with the recognisaunce in to the court / than the sayde fyne shalbe igrosed & unrolled. And in this writte is no proces / but where suche Justices hath receyved the recognysaunce in the maner aforesayde / & wyl nat certifye theyr felowes of the sayde recognysaunce / than the partye that hath made the recognysaunce maye haue a writte dyrected to the same Justices comaūdyng them / that they certifye theyr felowes of the same cognisaunce vnder theyr scales / & to haue another writ dyrected to the Justices of the comō banke / that they receyue the sayd cognisaunce of them / as it appereth by the Registre.

**A writte de Contributio-
ne facienda.**

**A writte
de Con-
tributio
ne faciē-
da is su-
che.**

Rex. &c. Margarete B. vel bal-
luis Margarete B. de A. salu-
tem cum de cōi consilio regni
nostri prouisum sit: qd si hereditas ali-
qua / de qua unica tñ fiet secta p here-
ditate illa sicut prius consuevit fuit ad

Natura breuium. fo. 159.

hoc fiat debita contributio ad eundem
ac W. B. de R. custodi scolariū de R.
et alius q̄ pluſ vendideſ terras & te-
nementeſ ſua R. de quibus vnica ſe-
cta tñ ad curiam predictam de R. de-
betur: ſicut idem cuſtos nobis mon-
ſtrauit/vobis precipimus: q̄ non di-
ſtring; cuſtodem niſi p̄ portione ſibi
et p̄ſat ſcolaſ contingent de terris
et tenementes predictis ad ſepalcem
ſectam faciendam ad curiam predi-
ctam / vel ad curiam predictā domini
noſtri de R. contra formam prouisi-
onis predictę / Teſte. &c.

¶ A Wrytte de Aſſiſa noue diſſ.

Rex vñ ſalutem. Queſtus eſt
nobis A. q̄ B. iniuſte et ſine iu-
dicio diſſ eum de libero tene-
mento ſuo in R. poſt p̄mam tranſſe
domini H. regis filii reges Johis in
baſcon. Et ideo tibi p̄eſ: q̄ ſi predi-
ctus A. fecit te ſecut de clam ſuo pro-
tunc faſ tenement illud reſciſit de ca-
ſall: que in ipſo capſ fuerunt et ipſe
teñ cū caſall eſſe in pace vſq; ad pri-
mam aſſiſam cum Juſtiſ noſtris in

A Writte
de Aſſiſa
noue diſſ
iſluſche.

• 211. 2. **Natura breuium.**

partes illas veniant. Et interim fac.
xi. liberos & legales homines de visu
illo videat ten illud et nomina eorum
in breuiari fac. Et cum eos p bonos
suis q sunt coram prefatis iustic nris
ad prefatam assisam parati inde fa-
cere recogit. Et pone per vad et sal-
uos pleg. predictum B. vel balliuum
suum/si B. ipse inuentus non fuerit:
q tunc sit ibi ad illam recogit. Et ha-
beas ibi cum nota pleg. et hoc breue.
Teste. etc.

**The patent of the same
wrytte .o.**

Rex. etc. dilectis et fidelis suis A.
B. & C. salutem. Sciatis: q co-
stitimus vos Justic nostros
vna cum his quos vobis assoe ad as-
sisam no. disc. capiend. qua A. arram
coram vobis per breue nostrum ver-
B. de tenemento in J. Et ideo vobis
mandamus: q ad certos diem & locu
quos ad hec prouideritis assisam illa
capiatis facturi inde q ad Justic pte-
net secundum legem & cons. regni nri
saluis nobis amerciametis inde pro.

Natura breuium. Fo. 160.
uenientib⁹. Mand enim biē nro S.
q ad certos diē & locum quos ei scire
faē assisā illā corā vobis venire faē.
In cui⁹ rei testimoniū has lras no-
stras fieri fecim⁹ patētes: testc. &c.

This wytte lyeth where a mā
is disseysed of his freholdc .s.
of landes/tenemētes/ rētes co-
mō of pasture / or suche lyke that he
holdeth for terme of lyfe/fee taylor or
fee simple/or where he hath lande or
tenement that is lyuered to hym by
vertue of a recognisaunce of the statu-
te marchaūt/or by the statute of the
Staple/or by Elegit /as it appereth
by the statute of marchaūtes/ or by
the statute of the Staple. An. 27. E.
3. Ca. 9. And by the statute of westm
2. Ca. 18. the disseysor shall haue the
sayd wytt agaynst the disseysour /or
agaynst who so euer is in possession
(lyuyng the disseysour) & it is necessa-
rie that the disseysour be named in
the wytt or otherwyle the wytt shal
abate / & that is gauen by the same
statute of westm secōde. And note ye
that if the Bardeyn or the chyef lord
make a scoffemēt to any man/of the
Natura. X. l.

lande that is of the herytage of hym
that he hath in warde to the dysen-
herytace of the ward the warde may
maintenaunt haue the sayd writte / &
whā the lāde is recouered / it shalbe
deliuered by the Justices to the nexte
frede of the Infānt / to whome the he-
rytage may nat. discēde / & to answere
the herye of the profytes of the lāde
whā he cometh to his ful age / as it
apperteth by the statute of westm̄ .i.
Ca. 47. whiche begynneth. Si gar-
de. &c. And loke the statute of westm̄
fyfste. Capi. 36. whiche begynneth.
Puruen est enscement. & accorde. &c.
howe a mā shal be punysshed for dis-
seyson with roboyr. Also if the Esche-
tour theryfe / or baylyfe of the kyng
disseyle any mā by colour of his office
without speciall warraunte or cōmaū-
demēt of the kyng: the disseysy may
recouer by the sayde writ / & recouer
doubledammages: as it apperteth by
the statu. of westm̄ .i. Ca. 24. whiche
begynneth. Puruen est enscement que-
nūl eschetour. &c. And in what cases
that this writ lyeth loke the statute
of westm̄ .2. Capi. 25. whiche begyn-

Natura breuium. For 161.
 neth Quia non est aliud breue. &c. &
 howe & i what tyme this writ shalbe
 take / floke the statute of westm. 2.
 Ca. 30. whiche begynneth: Assignet
 de cetero duo Justic &c. And in Ma
 gna Cart 1. Ca. 12. whiche begineth:
 Recognitiões de nouel disseisō. And
 loke the newe statute of E. 3. An. 2.
 Ca. 2. & 6. And in the statute of fines
 Ca. 4. whiche begynneth. Item cū
 statumus. &c. And the stat of yorke
 Ca. 3. whiche begunneth. Quod coe
 sil soit conteūst &c. And the p̄oces in
 this writte is Attachmēt agaynst
 the pertye. Somōs habeas corpora
 & distresse agaynst the Jurours vnto
 they come. And note ye: that frehol
 de is called / where a mā holdeth lāde
 oꝝ tenemēt in fee symple / fee taylor / oꝝ
 for terme of lyfe at the leaste.

p̄oces

Addicion.
 In assise the writ was pone p
 bod & saluos pleg. p̄dict J. vcl bal
 luū suū / q̄ sit sibi auditū. &c. where
 it shulde be. q̄ tunc sit ibi / & the court
 was in opiniō to abate the writ / whe
 refore the pleintyfe was nōsupt.

W. 26.
H. 6.

Assise was brought by the huf

An. 44.

Natura.

X. ii.

Natura breuium.

Li. all.

hādē & the wyfe/the yties were at p^r sue/but nat of the poynte of the assy se/& was foude for the pleityfcs how the wyfe was disseysed afore the ma riage/& that the husbādē had nothig so the writte was false disseisuit eos & nat. withstandyng the pleyntyfe recovered.

Q. 24.

E. 3.

Li. all.

Plito. 9

¶ If there be.iiii. ioyntenaūtes /& ii. disseysle the other.ii. all fourc brou ght assise againste.ii. of the that we re disseysours /& the writt was dissei suit eos :so the writt supposeth that the.ii. disseysours disseysed the selfe/ & natwithstādyng the writt was a- warded good. And if.ii. ioyntenaun tes are disseysed by a straunger /& af ter the one come to the tenauncy by purchase/if the other wyll recouer/if behoueth that bothe named/forthat that the wordes of the writte maye be true & disseisuit eos. But whā one ioyntenaūtt putteth out the other/ the wordc disseisuit eos is false/ for the one may nat disseise hi selfe/therefore he shal haue a writ i his owne name.

Q. 31.

E. 3.

¶ In assise /the tenaunt sayd that the pleyntyfe is his villayne. Judge.

Natura brenium. **fo. 162.**

met. &c. the pleyntyfe sayde that he
was free. &c. & it was founde that he
was free / but that he was neuer sep
sed of suche estate that he myghte be
disseysed / the pleityfe sayd: we are at
ysue out of the point of assise that is
foude for vs / therfore they nede nat
to enquire but of damages & after it
was awarded that he shulde take no
thyng by his wytte.

Lib. ass.

And note ye / that assise maye be
take in. iiii. maner. 5. at large / in the
poynt of assise / out of the poynt of as
sise / & right of damages. Assise at lar
ge is whā an Infant bringeth assise
& the dede of his auncetour is plea
ded / thā the assise shalbe taken to en
quere at large / that is to say / if his
auncetour was of ful age / of goodne
moxie / & out of pryson whā he made
the dede. Assise in poynt of assise is /
whā the tenant pleadeth no wronge
nor no disseysed / assise out of poynt of
assise is / whā the tenant pleadeth a
foyreyn releffe / or foyreyn matter
tryable in another countye / than the
Juges shall put the recorde in the co
mō place to crye this foyreyn plece

Nota.

Natura breuium.

whā that is tryed/they shall sende a-
gain the assise. Assise in right of da-
mages is whā the tenaūt confesseth
a puttyng out & demureth in saue
the whiche matter is iuged agaynst
hym nowe the assise shalbe taken in
righte of the damages.

**An. 8.
E. 2.**

¶ Note ye / if the Bardeyne of an
Infant take a scoffemēt of the In-
fant beyng in his warde/ the In-
fant shall haue assise/ & the Bardei
shalbe iuged a disseysour/ & cōmitted
to pryson if it be founde.

Nota.

¶ If my tenaūt be atteinted of fe-
lonye/ & the kyng graunte the yerc &
the daye to a straunger/ if the straū-
ger be disseysed. I shall haue assyse /
by all the courte. And note ye / tha t
seyson of fealte is no seysō of the rēt
wherby he may of that haue assyse.

**3. 44.
E. 3.**

¶ If the tenaunt pleade a plee in
barre / & the pleyntyfe make tyle &
trauers the barre / though the tyle
of the pleitis be false/ yet the tenaūt
shall nat haue auantage to take the
assise vpon the tyle / but he shall be
charged to maynteyne his barre. O-
therwyse is where the pleytyfe ma-

Natura breuium. Fo. 163.

heth to hi a tittle / & answers nat the barre.

¶ A man may be tenaunt of the rēt T. 19.
by his disseisin / as if he leuey the rēt E. 3.
of my tenauntes by coercion of dis-
tres / but if the tenaunt pay to hym
the rent of his good wyll / that shall
nat be intēded the rent that I ought
haue / but another rent / for by suche
paymēt without other thyngē doig
I shall haue no assyse.

¶ If rent discede to me after the p. 49.
deth of my father / & afore the day of E. 3.
paymēt of the rent / the tenaunt put-
teth me in seyson of the rēt by a nor
this seyson is nat sufficient whercof
I may haue assise / but if he pay to me
a peny as parcell of my rēt / nat with
stādyinge that it be afore the day of
paymēt / of this possessiō I shall haue
assyse / but if I recouer rēt & afore the
day of paymēt / the sheryfe put me in
possessiō / of the rent by a nor / of this
possession / I shall haue assyse.

¶ A writte de Reddiss.

R Ex viē saltū. Mōstrauit no- de Red-
bis A. q cū ip̄e in cur̄ nē corā dist. is
Iustic̄ n̄is itū. &c. vel coram suchc.

Natura breuium.

Dilectis & fidelib⁹ n^{ost}ris B. & E. Justit^{ie}
n^{ost}re ad assisas in com^{itatu} M. capiend^o as-
sign^u p^{er} b^{ene} n^{ost}rum recuperavit s^{ibi} suam
versus B. de. r. acris terre c^{um} perti^{ne}n-
ti^{am} in M. p^{er} recogn^{iti}onem assise no. disscessit ibi
inter p^{re}fat^{os} A. & B. cap^{it} p^{re}fat^{us} B. ip-
s^{um} A. de ead^{em} terr^a iniuste disscessit.
Et ideo tibi p^{re}sent^o quod assumptis custo-
dibus placito^{rum} corone n^{ost}re. xii. t^{an}t^{um}
t^{an}t^{um} m^{ult}u^m q^{uam} aliis libis & leg^{is}. homi-
nib⁹ de com^{itatu} tuo t^{an}t^{um} de illis qui in p^{ri}-
ma iurata fu^{er}u^{nt} q^{uam} aliis in p^{ro}p^{ri}a
persona tua acced^o ad p^{re}dict^{am} terr^a & p^{er}
eor^{um} sac^{ra}ment^{um} dilig^{en}t^{er} faciat inde inqu^{ir}e-
re. Et si ipsum A. p^{er} p^{re}dict^{um} B. de p^{re}-
dicta terra interi^{us} iniuste disscessit in-
ueneris t^uc ips^{um} B. capias & in p^{ri}-
sona n^{ost}ra saluo custod^{is} fac^{is}: ita q^{uod} a p^{ri}-
sona illa nullo m^o deliberet s^{ibi} m^{an}da-
to n^{ost}ro sp^{eci}ali & ips^{um} A. de p^{re}dict^{am} terra re-
lest. & d^{am}pna sua in dupl^u q^{uam} acc^one il-
lius reddissis sustinuit p^{er} sac^{ra}ment^{um} p^{re}dict^{um}
xii. taxari de terris & catallis p^{re}dicti.
B. in bal^{lu} tua sine dila^{ti}o^{ne} fieri / & id^{em} A.
hec fac^{is} iuxta form^{am} statuti w. de hui⁹
reddissis p^{ro}u^{is}. Et sci^{as} fac^{is} p^{re}fat^{um}.
B. q^{uod} inquisitione illi faciend^o inter-
sic si sibi viderit expedire. R. &c.

Natura brenium.

Ro. 164.

This writ lyeth in case / where
a mā is disseysed: & he hath re-
couered by assise / & is put i pos-
session by the sheryfe / & after that is
disseyed by the same disseysoure / he
shall have this writ of Reddiseison
agaynst hym / & that is gyuē by the
statute of Mart. Ca. 3. whiche be-
gynneth. Si quis dis. &c. and by the
statute of Mart. Ca. 8. whiche begin-
neth. Illi autem qui pro iterata dis-
seisina. &c. where it is sayd / that su-
che persons are nat repleuisable.

*** Addition.**

☞ If a mā recouer in assyse agaynst
a woman soole / & after she put hym
out / & take a husbāde / the writte of
Reddisseyson shall nat suppose that
he hath recouered agaynst the hus-
bāde & the wyfe / but the writ of Red-
disseison shall suppose the Reddissey-
son to be made by the wyfe / whā she
was soole / & the husbāde shalbe na-
med bycause of the marriage.

An. 9.

H. 4.

☞ Note ye / that vpon a recouer in
assyse of freltheforce / a man shall nat
have a writte of Reddisseison.

M. 14.

E. 2.

M. 14.

☞ But it is thoughte / that a man

E. 3.

Natura brenium
shall haue a Reddiffeison/ & post dis-
seyson in Lōdō where he recovereth
by a writte of ryghte / & maketh his
protestacion in nature of assyse / for
there is coroners.

M.8.
E.3.

Note ye / that if I recouere an
acre of lāde in D. by assyse/to which
there is a cōmon in S. belōggyng/ if
I be disseysed of the cōmon / I shall
haue a Reddiffeison.

A writte de post diff.

A writte
de post
diff. assu-
che.

Rex viē salutē. Monstrauit no-
bis A. quod cum ipse in curia
nra corā dilectis & fidelibus
nris T. & locus suis Justic nris de
bāco apud W. recuperasset flām suā B-
sus B. de .x. acris terre/cū ptiū i J. p
considerationē eiusdē cū idē B. pre-
fati A. de predicta terra post modū i-
miste diff. Et ideo vt supra sed non di-
catur tū de illis/qui in prima iurata
fuerūt/ q̄ de alius vlsq̄ interī postmodū
inuiste. &c. vt s̄: semper dicatur post
diffia in loco diffie. vt s̄: Teste. &c.

This writte lyeth as it is ordy-
ned by the statute of Marton
vpon a recouer in assyse of no.
disseyson/ and by the statute of west

Natura bꝛcutum. Fo 165.

myn. 2. Ca. 25. which beginneth. In
bꝛemb^o de Redd. &c. that a mā that
hath recovered by assise of Mortdau
cestour/ or by other Jure/ or by defau
te/ or by Reddicion/ or by any maner
by enqueste. And if he be putte out
of the same tenementes by the same
person agaynst whome he hath re-
covered / than he shall haue a post
disseison / & nat a Reddisseison. Also
if these tenauntes / by Elegit / statu-
te Marchaunt / statute of the staple
be disseysed / they shall haue a writte
of Reddisseison / but in case that a
man me disseysed & after I recover by
assise / & am put in possessyon / & the
same disseysour with another stran-
ger me put out of the same lande / in
this case I shall nat haue a writ of
Reddisseison / for there is a tenant
of pcell / that was nat pty to the assy-
se / therfore I muste haue a newe assi-
se. And in case that the disseysour be
disseised / & a writ is brought agayste
the seconde disseysour / he shall an-
swere of the damages / for his owne
possession / but the statute of Bloch.
Capi. 1. specketh nat but i case where

Natura breuium.
Disceysour hath solde. And note ye /
whan a mā arreygneth assise of no.
disceyson of a rent charge / it is cōue
nient that all the tenantes of the te
nementes charged be named in the
assise / & all the lande charged put in
view / natwithstādinge that he was
disceysed but by one tenaunte / but
otherwyle is of rēt seruice. And note
ye / that all Assyses of no. disceyson.
Mortdauncestour that goeth in to
the countye / are retournable in the cō
mon banke / And if the kynges bēche
be in another countye / than the cō
mon banke is / than all the assises of
no. disceyson shalbe afore the Justy
ces of the banke / & afore the kyng
shalbe put a certayne day / as vsq ad
diem Junii in. xv. &c. but in the mort
dauncestour cōmon day may a man
haue / as in other place / but in assise
of no. disceyson afore the Justices / &
afore the kyng / a man maye put a
daye out of the terme / as vsq in diē
Iouis post festū sctē Lucie / & gyue
daye of. iiii. dayes afore the kyng /
& that wyl the statute Articuli super
cartas. Capi. 15. And in assise of no.

Natura breuium . fo. 166.

dist. a man ought nat vouché no mā
if he be nat named in the wytte / or
be p̄sent i court whā he is vouchēd
but in a wytte of **Exordatione** a
man may vouché at large.

¶ Addition .

¶ If a man recouer lāde by a **Sci** **T. 15.**
re fā by defaute / if he be disseysed by **H. 7.**
the same man afterwarde / he shall
haue a post disseyson as well as if it
were in a p̄cipe q̄ redd̄.

¶ If a man recouer lande in value **An. 5.**
& after is put out by the vouché the **H. 2.**
tenaunte shall haue a post distiñ / vt
p̄ per registrum .

¶ A wytte de Documento .

Rex v̄s salutē. Questus est no **A wytte**
bis **A. q̄ B.** iniuste & sine iudi **de Docu**
tio p̄stravit v̄ leuauit quod **mento / is**
dā fossatū in **R.** ad nocumentum te **liche.**
nēti sui i eadē villa / vt nō patet trans
ff. &c. Et ideo tibi p̄cē: q̄ si p̄dict⁹ **A.**
fecit te secus. &c. tunc fā. 12. liberos et
legales hoies de v̄sū illo videre fossa
tū illud vel stagnū illud & tē & noia

Natura breuium
coram in bria. Et sum illos p boff. &c.
q sint coram Justic nris ad pñ aff. cū
in ptes illas venerint parat fac. re-
cogn. et pone p vad & saluos plegios
predictū B. vel balf suū si ipse inuen-
tus non fuerit: q tunc sit ibi aud illā
recogn. Et habcas ibi sum nomina
pleg. & hoc breue teste. &c.

This writte lyeth/where a mā
leuyeth or maketh a house / &
wall / or gutture in his lande /
or any suche lyke to the nusaunce of
the freholde of his neyghbour / than
he to whome the nusaunce hath ben
made / shall haue the sayde wrytte .
And also if he that made the nusaun-
ce sell the lande / whercof the nusaun-
ce was made to a straūger / thā the as-
syle shalbe brought agaynst bothe.
S. agaynst hym that made the nu-
saunce / & agaynst hi to whome the lā-
de is solde / & that is gguē by the stat
of westm. 2. Ca. 24. that begynneth
In quibus casibus. &c. before which
statute assyle of nusaunce dyd nat
lye / but onely agaynst hym that
made the nusaunce. And the procs
is / as in assyle of nouel disseiso. And

Natura breuium. f. 167.

note ye: that if the nuisance be made
in one countye & the tenement is in a-
nother countye / thā the writte shalbe
brought in that countie where the nu-
saunce was made. And also if the assi-
se of no. diff. be arrepygned in one coun-
tye / & of the same tenemētes another
assise is arrepygned in another countie
a mā can pleade nothyng but suffre
bothe assyses to passe / & if they say bo-
the that these tenemētes are in one
countye / thā it is well / & if they vary
so that the one saye / that the tenemē-
tes are in one countye / & the other saye
that they are in another countye / thā
he ought cause al the assises to come
afoze the kyngc / & that was iudged.
An. 6. E. 3. betwixte Rycharde Clyf-
forth / & Henry Pytzhugh. And note
ye / that in many cases assyse of nu-
saunce lyeth as it appereth by these
ii. verses.

**Fons / stagna / sepsq; via diuersus
cursus aquarum.**

**Poscunt assisam marcatum fe-
ria bancum.**

A writte de paruo documento.

A writte
de par-
uo nocu-
mento
isliche.

Statuta breuium.

Rex bñ saltm. Quæstus est no-
bis A. q̄ B. iniuste & sine iudi-
cio leuauit quondā fabricā in
A. ad uocamentū liberi tenēti sui in
eadē villa post p̄m trāstt. &c. Et ideo
tibi p̄cē: q̄ loquutum suā audias et
postea eū inde iuste deduc̄ fac̄. Nec am-
plus. &c. p̄o defectū iuste. Teste. &c.

This writte lyeth / where a
myle / or suche lyke is leuyed
to the nusaunce of his neygh-
bour / he to whome the nusaunce is
made shall haue the sayd writte / and
it is viconfille / and pleadable in the
countie. And this writte may be re-
mouable out of the countie into the
somon bank at the suyt of the plain-
tife without cause in the writte / and
at the suyt of the tenāt with cause as
in the Bone de auerics repleg. And
here of may be made a writte of exe-
cucion of Jugement if it nede be / but
if he that made the nusaunce dye a-
fore the assise purchased / than he to
whōc the nusaunce was made / or his
heire shal haue a writ of Ad p̄mittat
agaynst the heyre of hym that made

Natura breuium. Fo. 168.

the nusaunce. And so a Quod pmit-
tat lyeth all tymes in place of a wryt
of Entre grounded vpon discyson / or
abatemet / after the deth of hym that
made the nusaunce. And note ye: that
there is other wryttes that are called
lytell wryttes of discyson that are bi
couñtiel / & plecdable i the couñtye afore
the sheryfe that are. De domo iniuste
leuata vel prostrata et consimilibz / vt
patet p registrum / & what maner of
nusaunce are plecdable in the couñtye
it appereth by these verses.

Fab / fur / porta / domus / vir / gut /
mole / murus / ouile .

Et pons : tradauntur he viceco-
nutibus .

& Addition .

Two coparceners are seyled of a
medowe & a mylle / & they haue a way
from the mylle vnto the water of the
same myll ouer the medowe / & they
make particion / so that the mylle is
alloted to the one coparcener and the
medowe to the other / & vpon the par-

Natura.

AA.1.

D.21.

E.3.

Natura brenium.

fiction it is agreed/that he /that hath
the mylle shall haue the waye to the
mylle ouer the meadowe if the other
to whome the meadowe is allotted le-
ue a dyche in the meadowe whereby
he is put out of his way he shal haue
assise/for he maye nat haue the pfitte
of the myll without the way/where-
fore thacorde is good without writ-
tyng / as rent reserued vpon a partis-
cion without writtyng. &c.

T.ii
D.4.

Note ye/that if a man ought to
reparell a bydgc/ouer which I haue
a waye belongyng to my maner of
Dale/ & he that ought to reparell the
bydgc/make no reparaciō/ whereby
I can nat haue my way/ I shall haue
an accion vpon my case / & nat assise
for where a mā ought make a thyng
and make it nat/ I of his laithesse shal
nat haue assise/ but where a man ma-
keth a thyng by maynour/ or leuyn-
ge/ or estopyng/ in suche case I shall
haue assise. &c. if a man be holden to
scoure a dytche / that the water maye
haue course/ and he make it nat whe-
reby my meadow is surrounded/ I shal
haue a wytte of Trespasse/ but if he

Natura breuium. Fo. 169.
stoppe that/ that is vnclemed I shall
haue assyse.

A writte de Attincta.

R Ex viē salutē. Si A. scē te .fē. A writte
tunc sum. fē. 24. legales homi de Attin
nes de visū de A. q̄ sint coram cta is su
Justiē nris apd w. tali die/ vel ad pri che.
mā assisam. fē. parati sacro recognos
cere si iur p quas quedā inquisiē nup
capē fuit coram Justiē nris apd w. p
bfc nrm. fē. qd fuit inter A. pcrent et
B. tenent falsum fecerūt sacm sicut
idem A. grauit nobis conquerendū mō
strauit. Et interim diligenti inquiras
qui fuerunt iuratores /p quos inquisi
tio capta fuit. Et cos habeas coram
prefatis Justiē ad prefatū terminum
vel ad prefatā assisam. Et sum p bo
nos sum prefat B. q̄ tunc sit ibi audis
tus illam recogn. Et habeas ibi sum
noia predictorū hominū /& hoc bfc
teste. fē.

This writte lyeth/ where an en
quest hath made a false verdyt
wherof they be attaited by this writ
Natura. AA. ii.

Natura breuium .

Process

they shall haue suche payne. &. they
medowe shalbe eared/and they houses
pulled downe/& they woodes di-
stroyed/and all they landes & goodes
forfayted to the kyng /but if the writ
passe agaynste hym that bryngeth
the writte he shalbe imprysoned & gre-
uouly ransomed at the kynges plea-
sure. And the process is agaynste the
partye/Somons/and resomōs. And
agaynste the smalle Jurours. *Ueni-
re facias*/ & a distres. And agaynste
the greate Jurours. *Somōs*/ *habeas
corpa*/ & *dystres*. And in howe many
maners a man maye haue attaynte.
loke the statute of westm. 1. Cap. 37.
whiche begynneth. *Pur ceo q̄ ascum
gentes. &c.* that a man shall haue at-
taynte in plee of lande/or of a thyng
that toucheth freholde. And now by
the newe statutes. An. 1. E. 3. Cap. 6.
is ordeyned the attaynt shalbe graū-
ted in a writte of trespass/as wel vpon
the dammages if they passe. xl. &. as
vpon pryncipall. And also the statute
made. Anno. 34. E. 3. Ca. 7. that at-
taynte is as well in plee personall as
in plee real & to be graunted to poore

Natura breuium. Fo. 170.

men without fyne and the Chaunceler hath power to graunt this wyrt without sewynge to the kynge. And that the Iustices let nat in no case of attaynte delaye to take the attaynt for the damages nat payed. And by the statute made at westm. Anno. 5. E. 3. Ca. 7. in the ende/a man shall haue a writte at attaynte in plice of trespassse moued afore Iustices that are of recorde without writte/ if the dammages Iuged/ passe. xl. s. And after by the statute made in the tyme of the same kynge. An. 28. Ca. 8. a writte of attaynt shalbe graunted as well vpon a byll of trespassse/as vpon a writte of trespassse/haupnge no regarde to the quantite of the dammages. And also the attaynte shalbe graunted to poore men that wyl swere that they haue nothyng whercof they maye make fyne/sauynge theyr couテナunce without fyne/ as to other by a reasonable fyne. And by the statute of. A. 34. E. 3. Ca. 7. & also by the statute of. A. 9. R. 2. Ca. 3. is gyuen that he in the reuercion lyuynge his tenaunt for terme of lyfe shall haue attaynte.

Natura breuium.

& Addition.

M. 18.

E. 2.

☞ Note ye/that a writ of entre was broughte in Suffex/and the tennaunt pleaded the dede of the auncestoure of the pleyntyfe made in Loddō/which was denyed/and founde for the pleyntyfe in London / & vpon that / the tennaunt broughte attapnte in London to commond. xxiii. & to attache these xii. and another writte to the sheryfe of Suffex to attache the ptye / where the lande was / & the writte that was dyrected to the sheryfes of London was chalēged/for that/that it is nat compysed in the writte/that the partye shalbe attached / & nat allowable for in a newe case a newe remedy shal be prouided.

M. 31.

H. 6.

☞ Attapnte was broughte agaynst J. S. as sone & hepye vpon a fals verdyt gync betwixte the pleyntyfe / & the father of the sayd J. S. in a p̄cipe q̄ reddō/and the writte was chalēged/for that/that it is nat proued by the writte that he is tennaunt/and for that/that euery attapnte in hym selfe is a somons/the writte ought to

Natura breuium. Fo. 171.

haue ben/ Sum one suche/ and nat a-
lowed for the writte shalbe broughte
agaynste the father without any so-
mōs agaynste hym/ for that/ that the
lawe intendeth that the tenauncy cō-
tinueth in hym/ & this accion is four-
med vpon the fyrste recorde / & by the
same reason it shalbe indented that
it discende to the heyre / & that he is
tenaunt/ wherefore answer.

☞ One that was vouched brought
attaynt agaynste those that passed
vpō a dede denyed / & the writte wyll
that one J. S. tenaunt vouched to wa-
rant & the wyrt was abated/ for that
that the writte supposeth nat / that
the vouchere hath a warrante of the te-
naunte by expresse wordes / yet it is
supposed by these wordes/ *plitando*
protulit that he hath a warrant/ but
that/ that it sholde be put in the writ
by expresse wordes may nat be mayn-
teyned by supposell.

☞ Note ye/ that one may haue at- **Pl. 21.**
tayne / a writte of errour / & disceyte **E. 3.**
afore excecuciō/ for the mischyeffe that
he wyll nat sue excecucion vnto suche
tyme that the petyt Jure / or some-

Pl. 22.
E. 3.

151.07 Natura breuium.

ners and verours be deed / and than
to sue execution whan he maye nat
haue these accions / and for this mis-
chypse he shall haue them afore exe-
cucion.

A. 10.

H. 4.

¶ If a writte be awarded to the she-
ryfe by default to enquire of waste / it
is sayde that the partyes shall haue
theyr chalēge afore the sheryfe & also
attaynt / if the Iure make a false ver-
dyt. q non credo. Quere.

Quere.

¶ Note ye / that no man shall haue
attaynte in appelle of maye hem / nor
in any other appel of felony / or of the
deth of a man.

Nota.

¶ Note ye / that in an indytemente
of trespass / & founde gylty by another
enqueste / he shall nat haue attaynte /
for that / that. xiiii. hath found hym
gylty / & bothe the verdites agreeth.

30. 44.

E. 3.

¶ In trespassse agaynst. ii. the one
appereyth / and is founde gylty by one
enqueste / & the other by another en-
queste / he that was founde gylty by
the latter enqueste shall haue attaynt
natwithstandynge that he is a straū-
ger to that / for that / that he is in dā-
mage by that / for the fyrste enqueste

Natura breuium. Jo. 172.

shall take the dammages / & nat the se
conde enqueste / & of those dammages
he shall haue attaynt.

Attaynt was brought / and he as
signed the false verdyt to be in. ii. thi
ges / where as it appereth to the court
that he hath no cause of accion / for
the one / and by the aduyse of all the
Iustices / it was holden / that the par
tye shalbe barred of that / & the reme
naunte to stande his force.

T. 26.

H. 6.

The Jugemente in attaynte is
whan it is founde for the pleyntyfe /
that the verdyte is false / the Juge re
herseth the poyntes . &c. we awarde /
that the pleyntyfe shall haue agayne
his lande and those dammages that
he losse in the assyse / and the profy
tes had in the meane tyme and that
he tenaunt shalbe taken / and the pe
tite Jure shall lose fre lawe / & they
goodes forfayted / & they tenementes
distroyed / & all they lādes & teneme
tes seysed / & they medowes ayzed / &
they woddes distroyed / they wyues
& infantcs of they houses put out / &
that they shalbe taken.

M. 11.

H. 4.

Natura breuium.
¶ A writte de certifiz noue
discipline.

A writte
de certifi-
ca noue
discipline
isliche.

Rex vitz salutē. Quia sup quib
busdam articulis noue discipline
cōtingēt: q̄ inter A. et J. sum
fuit et capta apud J. per bñc nrm cor
rā dilectis et fidelib⁹ nris H. & K. de
testo i J. quidā subsūt dubitationes
sicut ex querela ipsius J. accepimus/
cōstitutū⁹ p̄fatos H. & K. Iustic nos
stros vna cū hui⁹ / quos sibi assoz ad
certificationē sup articulis p̄dictis ca
piend. Et ideo tibi p̄cē q̄ ad certos
diem et locum quos eidē H. & K. tibi
sciē fac iuratores illius assie corā eis
venire fac ad certificād super articulis
p̄dictis. Et sum p̄ bonos sum p̄dict
A. q̄ tunc sit ibi auditur illam certifiē
Et habeas ibi sum nomina iurat et
hoc breue. &c.

This writte lyeth where assyse
is brought agaynst a man / &
he answered by baille / & the ba
ille cometh in to the court excusinge
the absence of his maister / & pleade in
abatemente of the writte or saythe no

Natura breuium. Fo. 173.

Wronge/ne disseysen/for he maye nat
pleade any releffe / or wyttunge in
barre of accion/than if the ternaunte
lose in his absence by assise/if he hath
any releffe or other wyttunge that
wyl make for hym he maye come a-
foze the same Iustices afoze whome
the assise was take & shewe his right
by releffe / or other wyttunge/& if the
Iustices may se that the plyntife in
the assyse myghte haue ben excluded
of his assise/if the sayd releffe/or wit-
tunge had ben shewed afoze the iuge-
ment in the assyse gyuen / than the
same iustices shall sende a Scire fae
to the sheryfe of the countye where the
assise was arreyned / that he warne
the partye that fyrste recovered to be
afoze them at a certayne daye. And
also that he shall cause the fyrste Ju-
rors to come/that was fyrst sworne
in assyse /and than if it maye be foude
by verdyt of the Jurours or by Ju-
rolment/that the sayd wyttunge are
true/that he that purchased the sayde
assyse shall yelde double damages/
as it appereth by the statute of west-
mynster seconde. Capyn. 25. whiche

Natura breuium.

begynneth. Quia non est aliud bre. &c. And in case that the Justices or any of them afore whome the sayde assise was fyrste taken dye or be remo- ued/than the ptye if he haue any re- leffe/as afore is sayde may haue the sayde certificacion /whiche shalbe pa- tent dyrected to the newe Justices re- hersynge all doubtys touchynge the assise that was taken afore the fyrste Justices commaundyng them/that they take the sayde certificacion/at a certayne daye & place and ouer that a precepte dyrected to the Sheryfe of the same countye/that he somōde the the same ptye that fyrste recovered. And also that he cause the fyrste Ju- rours of the assise to come afore the sayd newe Justices at a certayne day & place/to certifye the sayde Justices of the sayde doubtys as it appereth by the Registre. And also this certifica- cion may be take in the kynges beche/ or in the comon place / & than no pa- tent shalbe made /as is in assyse of no- dist.by whiche certification/as well i the one case as in the other/the Jud- gemente shalbe reuerled / and in case

Natura breuium.

Ro. 174.

that the party be warned/ & come nat
at the daye assigne/ he shall lose the
lande by defaute. And if he come at
the Scire facias / the plice shall passe
betwixte them/ and if he that recou-
red by assyse can nothyng saye a-
gaynste the releffe/ then the ternaunte
that losse by the assise shall recouer.
And the Proces is agaynste the Ju-
rours a Vincire facias/ habeas corpo-
ra/ and distresse infinite/ but this writ
lyeth nat / but where it may be foude
by recorde/ & by the rolles that then-
queste that passed in assise spake no-
thyng/ nor made mencion of the re-
lease/ or other writtynge in theyr ver-
dyte/ but if thenqueste make mencio
of the release/ or of theyr writtynge /
& they gyue false verdict notwithstanding
the release/ than the partye a-
gaynstwhome they passed may haue
attaynt agaynste the Jurours. And
if the Iustices gyue false Iugement
where these Jurours made mencion of
the release/ & putteth theyr verdict vpon
the Iugement of the Iustices / & that
maye be founde/ than the sayde par-
tye maye haue a writte of Errour / &

Natura breuium.

the iugemente shalbe reuerfed. And if
it be founde that the releafe is good/
the partyc shal recover / & if nat the
other shal holde in peace / and that
is gyuen by the statute of westm se-
conde Capitu. 25. whiche begynneth
Quia non est aliquod breue .&c. And
in case that the assise passe in absence
of the partyc / and after the partyc co-
meth / and shewe to the Justices any
releafe as afore is sayde / and the Ju-
stices delaye to do after the sayde sta-
tute / thā the partyc may haue a writ
directed to the same Justices / in whi-
che writte the sayde statute shalbe re-
herfed / commaundynge thē that vpo
the syghte of the sayde writ that they
make full Justice to the fo 2 sayde per-
tyc / as it appereth by the Registre.
And this writte in this case shalbe in
place of a certification. And Note ye:
that by the same statute if the partyc
defend aunt in assise of nouel disseysin
alledge in delay of the partyc pleyne-
tyfe / that assise another tyme passed
betwixte the same ptyes of the same
landes / or that the sayde partyc plei-
tyfe was nonsuyt in a writte of byer-

Natura brenium. fo. 175.

nature hangynge betwixte them of
the same tenement / or that the sayd
pleyntiffe was nonsuit in suche lyke
wytte / and profereth to verifie that
of recorde / in this case if the same par
tye faile at his daye of that recorde /
he shalbe iudged as dysseysour / with
out tryall of the assise / and the assise
take in the ryghte of the damages
ec.

*** Addition.**

☛ If a recouere be in assise / & after
the ternaunte in the assise sue a certifi
cation vpon a dede / and a Scire fa
cias agaynste the partye that recoue
red to be at a certayne daye. ec. and a
Veni facias in the same wytte a
gaynste the .xii. Jurours that was
sworne in the assise / and the sheryfe re
toured that two of the Jurours are
deed / quere if he shall haue a certifica
cion or nat: for that / that the statute
is / that it shalbe tryed by the fyrste
Jurours / but nat by all the Jurours
and it was sayde that ther was a cer
tification at the one lawe a fore the

Q. 12.
H. 4.

Quere.

Natura brenium.
iudgement gyuen if the matter vpon
a dede bearynge date in a folcyn cou-
tye/it shalbe tryed by othe/ & nat by
the fyrste Jurours.

A writte de Assisa mor-
tis antecessoris.

A writte
de Assisa
mortis
anteces-
soris/ is
suche.

Rex vobis salutem. Si A. fecerit te.
et. tunc sum. et. 12. liberos & le-
gales hoies de visum de A. quod
sint coram. et. tali die. et. pati sacro re-
cognoscere. Si B. sen pater predicti A.
fuit situs in dominico suo: ut de feo-
do de vno mes cum pti in A. die quo
obit. Et si obit post coronatione dñe
H. fil regis Johis. et. Et si idem A.
propinquos heres eius sit. Et iterum
predictum mes videant & nota eoz imbre-
mas fac. Et sum per bonos sum pre-
dictum B. qui mes predictum tenet / q
tunc sit ibi aud illa recogn. Et habcas
ibi sum: & hoc bene: Telle. et.

This writte lyeth where my fa-
ther/mother / brother / systet/
uncle/or aunte dyed scypled of
laudes or tenementes/or of rent/that

Natura breuium. No. 176.

they haue in fee simple/and a straunge
abbate/ than I that am nexte heyre
shall haue this writte agaynste the
abbatour / or agaynste who soeuer
that is in possession/after the deth of
myn aūcestour. And the procces is in **Procces**
this writte as it is in a **Juris vtrum.**
And Note ye: that if an Infauit be
in warde of his lorde/and after he co
meth at his full age / the lorde wyl
nat yelde to hym his lande withoute
pce / than the Infauit shall haue
this writte / and that is gyuen by the
statute of **Marl. Capit. 16.** whiche be
gynneth. **Si heres aliquis .&c.** but if
he be of full age after the deth of his
aūcestour / and is in his heritage / &
known for heyre/and the lorde entre
vpon the heyre/ & holde hym out/ thā
he shall haue the forsayde writte/and
reouer damages/as in assise of no
uell disseysyn. And Note ye/that by
the statute of **Blō. Capitulo. 6.** it is
ordeyned/that if a man dye seysed of
certayne landes or tenementes in fee
simple and hath many heyres/wher
eof one is sonne/doughter/ brother/
syster/neuewe / or nece / & these other

Natura.

BB. 1.

Natura breuium.

in more longe degree / if a straunger
abate/ all those heyres togyther shall
haue the foresayde writte / but if the
heyre be nat onc of the aboue named
they are put to theyr writte of Auel/
or Cosinage as theyr case lyeth. And
note ye/ that if an Infauit purchase
a writ of Mortdauncstour/ he ought
fynde no suertye/ and for that he shall
nat say in this writte. Si talis fecerit
Secut. &c. And note ye: that the statute
of westm. 1. Capi. 22. whiche begyn-
neth. Des heres maries. &c. that if a-
ny lord witholde these heyres femal-
les vnto. 16. yere vnmaryed/ bycause
of couetousnes of the lande / than the
heyre maye recouer her heritage by
the foresayde writte of Mortd. And
Note ye: that a man may haue a cer-
tificacion and associacion to the sayd
writte.

*** Addition.**

M. 19.

E. 2.

Note ye / that a writte of Mort-
dauncstour was of comon forme In
dominio suo: vt de feodo dic que obiit
& the tenaunt sayde that his aunce

Natura brenium. Fo. 177.

stour of whose deth he byngeth this writte went ouer the see towarde saint James / the whiche auncstour is nat yet come agayne / therfore the writte shall saye Dic quo iter .&c. wherfore the writte was abate / & the demaundant wolde haue auerred the deth of his auncstour / & coulde nat be reteyned: for that / that another wytte is gyuen in the case.

The writte of Mortd was: Sum H. 16.
xii. &c. de visn ville de Dale. &c. para- E. 3.
ti. &c. si obit seilitus de octo pedibus
terre in longitudine / et vi. in latitudi-
nem / et duabus partibus unius me-
suag. et medietatem partium unius me-
suag. i villa de Dale. &c. interim mess.
terras et tementa videantur. And
the writte was challenged: for that
it wyll / De octo pedibus .&c. for it
oughte to be of a place that contey-
neth so moche / so the pyncipall de-
maunde shalbe of the place / and nat
of so many footes / and also the writte
ought to be / that these. xii. of the assise
oughte to be of the same beynewe
wher the demaunde / & now is the one
of the beynewe of the towne of Dale /

Natura.

BB. i.

Natura breuium.

to. ſomonde the Jurours / and the ſe-
conde is in the towne of Dale / & alſo
in the demaunde / the lande is fyrſt in
demaunde / and after the meſuage. &c
and i the claue to make the beynew
the meſuage is fyrſte named / but the
excepcion was nat alowed as to the
fyrſte challenge / for a man ſhall nat
haue a writ to demaunde a place that
is nat certayne / & as to the ſeconde
poynte the fourme of the writte is ſu-
che / and maye nat be entēdyd diuers
townes / and as to the thyrde poynte /
that is hole in the demaunde ſhalbe
fyrſte named / and thā the halves / but
whan the beynew ought to be made /
& the hole meſuage to be put in view
the fourme is to put the meſuage a-
foze the lande / & a writte of another
fourme maye he nat haue / wherefore
the writte was awarded good.

M. 7.
E. 4.

☞ In aſſiſe of Mortdaunceſtour / if
the ternaunt pleade a ſcoffement of
the auncceſtour of the demaundaunt
i barre / he ought to traueſſe the dyēg
ſeyſed / but if he pleade a recouere / or
a ſyne leuyed by the auncceſtour / he
oughte nat traueſſe the dyēge ſeyſed

Natura breuium. Fo. 178.

for that / that the demaundaunte is
stopped to saye agaynste the recorde
that he dyed seysed without shewyng
howe / after the recouere.

☛ In assise of Mortdauncestour / **M.27.**
the ternaunt pleaded a recouere in as- **E.3.**
sise had agaynste the pleyntyfe selfe /
and for that / that this disproues the
estate that the pleyntyfe hath after
the deth of his auncestour the oppynio
of the courte was that it is no barre.

☛ A was Indytcd of felonye / & one **M.33.**
D. as accessorie / and vpon the cape **E.1.**
the sheryfe retourned that A. non po
test inuenire / & that the sayde D. was
taken / & he pleaded nat gyltye / & he
was founde gyltye / and hanged / and
the lorde by Escheyte entred / & after
the sayde A. was taken / & brought to
the barre / & after was founde nat gyl
tye / & the heyr of the sayd D. brought
assise of Mortdauncestour agaynste
the lorde by Escheyte / and shewed all
this matter / and after was awarded
that the sayd heyr shulde recouer sey
son of the lande; for that / that if the
sayde D. were on lyue / that he shulde
be acquyted by the acquitall of the

Statuta breuium.
sayde A. & that he can be no accessorie
of felonye whan there is none.

A writte of Quo.

**A writte
de Quo
is luche.**

Rex vñ salutem. Prez A. q̄ Iu
ste. &c. reddat B. vñum melua
gium cum ptisi in R. et aduo-
cationem ecclesie eiusdem ville de qui
bus C. auus predicti B. cuius heres
ipse est fuit situs in dñico suo / vt de
feodo die quo obuit / vt dic. Et nisi fe-
cet & predict⁹ B. fecit se secut. &c. tunc
sum. &c. Et habcas. &c. Teste. &c.

This writte lyeth where my
graundfather dyed seysed of lād
tenement / or of rent in fee sym-
ple and a straunger abate / thā I shal
haue agaynge hym this writte / or a-
gaynste his heyre / or his alvente / or
agaynste who soeuer that cometh to
the sayde landes and tenementes in
what maner so euer he is in. And in
the same maner lyeth a writte of Co-
sinage that is to say where my graund
fathers father / or my greate graund
fathers father / or other Cosyn / and

Natura brenum. Fo. 179.

So to the .ix. degree that dyed seyled
in fee symple / and a straüger entre I
shall haue a writte of Cosynage / and
nat a writte of Ayle: for that / that it
passeth the writte of Ayle. And note
ye / that a writte of Cosynage lyeth
in the discent linial. And it is to know
that the linial discent is from the fa
ther to the sone / but if the lande disce
de from the sone to the vncles sone /
vpon abatement / he shall haue a writ
of Cosynage. And Note ye / that Af
fise of nouell disseyson / Mortdaunce
stour / Ayle / Cosynage / and Ruper o=
but are onely writtes of possession / &
nat myrte with the ryghte / but affise
of nouell disseyson is of his owne pos
session. And the other are of the pos
session of the auncestour / to whome
he is nexte heyre. And Note ye: that
a man shall recouer no dammages
i the sayd writtes / but i those that dā
mages are gyuē by statute / or by the
comon lawe / and of dammages Loke
in the statute of Gloç. Capitulo. i.
And the proccs is in this writte / So **Proccs**
mons / graund Capc / and petite Ca
pc. &c.

Natura breuium.

*** Addition.**

M.13.
E.3.

☞ A generall wytte of Ayle was brought/ & it was challeged: for that that his auncestour dyed nat in Englade/ but toke his Journey towarde the holy lande / and came nat agayn in whiche case he shall haue a lyke writte as he shulde haue in assise of Mortdauncestour/ but that excepciō was nat allowed / for it hath nat ben sene in a writte of Ayle.

M.13.
E.3.

☞ The writte of Ayle was prec. &c. q reddō vnā bouatā terre & vnā bouatā Marresci / and the writte was abated: for that / that the organge is alwayes of a thyng that lyeth in gaynour.

M.13.
M.4.

☞ In a writ of Ayle/ a release was pleaded of the same graundfather with a warrantye / and the oppinion of the courte was that / that was no barre/ excepte he saye/ without that / that he dyed seysed/ & so it was pleaded.

☞ A wytte de Super
obit .°.

Natura breuium. No. 180.

Rex vñ salutem. Si A. fecit te. A writte
ec. tunc sum. ec. B. qd sit coram de Rup
Iusticiariis. ec. tali die ostens obit is
quare de forē prefat A. rationabilem suchc.
ptem suam que ei contingit de heredi
tate/qd fuit J. de R. patris sui fratris/so
roris/auī/auic/auunculi/amite/con
sanguinie pdictorū A. et B. cuius he
redes ipsi sunt. Et qd nup obit vt dic.
Et habcas. ec. Teste. ec.

This writte lyeth where a man
hath many heires that shall
equally inheryt/as many dou
ghters or sonnes (if it be in Kente) &
dyed seysed of certayne landes or te
nementes holdē in fee simple /if any
of these coheires entre in to the lande
and holde these other out/ than these
that are holden out / shall haue the
sayde writ agaynst the coheire that
is in. And the Proces is/as in a writ
of Ayle. And note ye: that a writte of
Ruper obit / & a writte of Righte de
Rōnabile parte lyeth alwayes be
twene prynces of blode /but a writte
of Mortdauncestour/ Collinage/and
a writ of Ayle/lyeth alwayes agais

Proces

Natura breuium.

a stranger. Note ye/ if many be de-
forced of theyr reasonable parte / it be
houeth to be brought by all those
that are deforced / & nat by one of the /
for albeit / that these other wyl nat
sue for theyr reasonable parte / the
shall brynge this wytte & all theyr
names that are deforced / & this wytt
shalbe retournable / and if they wyl
nat sue / he that wyl / shal haue a writ
called *Simonia ad sequend simul* /
and if they comenat at this writte /
the other that wyl sue shalbe rescey-
ued to sue / & to pleade agaynst her p-
son that is deforced in ryghte of his
pte / and shall haue iugement and exe-
cucion for her porcion. Note ye / that
this writ shalbe brought by coheyr
agaynst coheyr / and nat otherwys
for if any other auncestour entre / &
clayme by the same discent that I
clayme by / I shall nat recouer agais-
t hym by the sayde wytte / nor other
writte but entre vpon hym. And if he
put me out / I shall haue assise of no-
uell disseyson / or a writte of ryght / for
assise of Mortdauncestour I maye
nat haue agaynst my Tolsyne that

Natura brevium. Fo. 181.

claymeth by the same discent / that I
clayme by / for a writte of Mortdaun
cestour lyeth neuer betwene prynces
of blode. And the wytte of ryghte
that is broughte agaynste the Colyn
that claymeth vt supra / shall nat be
determined as other writtys of right
that is to say / by batayl / or by graund
Assise / but by enqueste that is in the
place of the graunde assise : for that /
that the righte is nat to be tryed / but
onely the prynces of blode / that is to
saye whiche of them are more nere of
blode to the auncestour that was last
seised afore that they are passed the
thyrde degree / where they ought clay
me by one discent / but batayle lyeth
nat betwixte systers / where one is se
offed by Chartour and the other by
discente / as it appereth in Magna
Carta / de assisa eligenda. Note yc / if
any straunger abate after the deth of
any comon auncestour / all these co
heyses togyther / shall haue theyr re
couery agaynste the strainger / as one
soule heyre shall haue by a writte of
Mortdauncestour.

Natura breuium.

✱ Addition.

M.15.

H.3.

☞ In a Sup obit after that / that the ternaunt hath defended the wordes of the court / & the righte of the demaundaunt / as a free man / he alledged that he was villein / whereby the writte abated. And note ye / whan a writte is abated by excepcion of villenage / the writte lyeth nat agaynste the lordc of the villeyne / if the villeyne be nat named / where the lordc is nat seysed by entre / for the lordc shall nat be ternaunt agaynste his wyll.

☞ A writte de Decies tantum.

A writte
de Deci
stantū
is luche.

Rex viē salutem. Si A. fecerit te secus. ꝛc. tūc pone. ꝛc. L. D. & E. ꝛc. ꝓ sint. ꝛc. tali die ad respond tam nobis ꝓ ꝓfat A. quare cū in pliameto domini E. nup Regꝝ. Anglie progenitorꝝ nostri apud west mynster. Anno regni sui. 38. tenē iter terra cōcordat existat: ꝓ si aliquis iurator in ass. iuratis de aliis inquisitionibus capiend inter nos & partem vl partem et partē quicꝓ capiat per ipꝓ

Natura breuium. **Jo. 182.**

fos vel p alios apte conquerere vel
defendente pro veredicto suo dicendo
& super hoc p processum in quodā ar-
ticulo de iuratoribus. Anno t sui. 34.
fact ordinat/ conuincat siue sit ad se-
ctam partis: que pro se ipso aut p no-
bis/ aut alterius cuiuscunq psona p-
sequi voluerit saluo similiter iure illoz
decies tñ/ quantum ipse recipit & ha-
beat ille qui fac sectam suam medic-
tatem & nos aliam. Et q omnes im-
braciatores ducendi vel pcurandi ta-
les inquit in patria pro lucro vel pro
pfituo capiend puniantur eodem modo
in forma sicut iurat. Et iurator vl im-
braciator ita conuictus/ nō habet vñ
in forma supradicta satisfaciatur hēat
prisonam vnius anni / prout in ordi-
nāc p̄dicta plenius continetur p̄e-
dicti T. D. & E. in quadam assisa no.
dist. q̄ idē A. nup aram corā dilectis &
fidelibus n̄ris H. S. Justic nostrz ad
ass. in com S. capiend assign per bre
nostrū versus H. et alios in dicto bre
ui content de ten in T. ponit p ver-
dicto suo in hac pte dicend/ ac p̄dicti.
T. D. & E. imbrasiatores eiusdem ass.
ad eam ducend / & pcurand de pfato

Natura breuium.

Q. diuersas pecuniarū summas. Et illa dona apud R. ceptē in nostrum contemptum et ipsius Q. ad graue dampnum. Et contra formam ordinationis predictę: Et habeas ibi nomina pleg; et hoc breue / Teste. &c.

This wytte lyeth where Jurors hath takē golde or siluer of the one ptie or of the other to say their verdit/ thā by this wytt they shall pay. x. tymes as moche as they dyd rescēue/ & the partie that sueth shall haue the halfe/ & the king the other halfe. And those Embraceours that pcurth such enquestes and taketh money / they shalbe punished in the same maner/ or if these Jurours or Embraceours hath nat wherof they may make gree / they shall haue the imprisonment of a yere /but no Justices by his office shal enquire vpon the said poyntes/ but oncly at the suyt of the partie / & this recoure is giuen by the statute de Anno. xxxiii. E. iii. cap. viii. And

Natura brenium. **Jo. 183.**
the proces is attachement & distress. **Jo. 1000**

¶ Addicyon.

¶ In this accyon populer/the de- **Ed. 35.**
fendaunt pleaded a recouere in ano- **Ed. 6.**
ther accion populer /that was brou-
ght agaynste hym by a straunger/ &
acquitaunce made to hym by the
strainger/ the pleyntyffe may auerre
that acquitaunce to be made by col-
lusion.

¶ In a Decies tantum/iugement
of the wyrt was demaunded: for that
that the wyrt was/in loquela q̄ fuit
inter J. p. demaundant et J. C. de
fozē per bꝛue nostrum de iudicio de
vno mesuagio / where he ought to
shewe by what wyrt of iugemēt: for
that/that there is dyuers wyrtte of
iugement/as a Scire fac̄ to execute
a fynē/or a iudgement /for if the de-
fendaunt wyll say / that there is no
suche recouere / this issuc is nat cer-
teyn/for the recouere is nat alledged
certeyne / nat withstandinge the
wyrt was awarded good: for that

Quere
what pe
cc.

Natura breuium.

that he hath put the certente of the lā
de in the writte. And in suche a wyte
it is sufficient to saye/ In quadam lo-
quela transgressionis vñ debiti/ with
out moze/and yet the Trespas is nat
certayne.

M. 2.

H. 17.

Note ye /that in a Decies tantū
and other accions grounded vpon the
statute that gyueth to the ptye that
wyll sue the one halfe/ & the kyng the
other/ if the partye begynne his suyt
that/ that was populer is made his
proper suyt/ and the kyng / nor none
other person maye nat release nor dis-
pence/ as to his Interest/ & the acqui-
tall or cōdempnacōn of the partye is
a barre/ & a discharge agaynst all o-
ther people/ but before the acciō begō
ne/ the kyng maye release or pardon
and that shalbe a barre agaynst all
people/ and that was graunted by all
the court.

T. 37.

H. 6.

In a Decies tñ agaynst Em-
braccours/ the pleyntyfe ought to shew
howe they embraced/ & where the
bracement was made/ & howe he tooke
the money/ & howe he sayde to the Ju-
re/ & Danby sayde/ though that they

Natura brenium. **fo. 134.**

take money / & make no Embracere
the accion lieth nat agaynst the / but
otherwyle is of a Jure / if they take
money to say they? verdit / if the par
tye be nonsuyt the accion lyeth very
well agaynst the: for that / that whā
they are sworne they are Juges.

And note / if the Jurours gyue
a true verdit / nat withstanding that
if they take money to say they? verdit
they shalbe punyshed by this writte.

M. 21.

H. 6.

A writte of Decies tantum was
brought agaynst certeyne persons
for takynge of money in assise brou-
ghte (by the pleyntyfe in this wyte)
and his wyfe / and excepcion was ta-
ken for that / that the wyfe was nat
named with her husbāde in this writ
and that excepcion was nat allowed
for this writte is nat gyuen by rea-
son of the tenauncye / as attaynt or
Champartye is / but it is to punysh
the Jure for the takynge of the mo-
ney.

T. 40.

E. 3.

In a Decies tñ the verdit foun-
de agaynst the Jurours in this ac-
tion / the Jurours were awarded to
pylson / & it was awarded that the

T. 41.

E. 3.

Natura.

AA. 1.

131.07 **Natura breuium.**

kynges & the partye shall recouer .x.
tymes to the valur. &c. as the statu
te wyll. &c. And that the kyng shall
haue the one halfe / & the partye the o-
ther halfe / & the Jurours shall pfer
that / that belongeth to the partye i
the court / & it was sayde that the
kyng is pryncipall / for it is gyuen
by the statute / that he that wyll sue
for the kyng / the kyng hath gyue
hym auantage to haue the halfe of
that / that shalbe recovered / & it was
answered that the kyng taketh nat
his suyt as of det dewe / but be waye
of a fyne / & there where the kyng
ought to take a fyne / the ptye shalbe
always fynt scrued wherefore they
payed the halfe to the pleintyfe / and
founde suertye to the kyng. &c. and
than they were delyuered out of the
pyson.

Abzitte
de Qua
re eiecit
infra ter
minu is
suche.

Abzitte de Quare eiecit in-
fra terminum .'

R Ex vic. satm. Si A. fec. &c. tunc
sum. B. q. sit. &c. tali die ostes
qre defoz pzetat A. de. r. accis

Natura breuium. **fo. 185.**
terre cum ptiū in A. q̄ C. ei demisit
ad terminū qui nondū preterit / itē
quē terminū idem C. p̄fato B. terrā
illā vendidit occasione cuius vendi-
tionis idē B. p̄fati A. de terra predi-
cta eiecit: vt dīc. Et habeas ibi sum.
Ec. Teste. Ec.

This writte lyeth where a mā
letteth landes/or tenementes
to another for terme of yeres
within whiche terme/the lessour en-
fesse another in fee / & the fesse put
out the tēant of his terme / thā the
tēant shall haue this writte agāst
the fesse. And the p̄ces is **Somōs/ Protes**
attachmēt/& distress/& the proccs of
outlawry/but the tēant in this case
may haue a wryt of conuēnant a-
gānst his lessour if he be sufficient/
and haue writtynge. And also bicau-
se that this terme is cōpared to mo-
uable goodes & Chatels/this writte
was founde by a discreet man cal-
led William Martō / so that by this
writ/the tēant may recouer his ter-
me agānst the fesse.

Addition.

Natura.

XX.ii.

Natura breuium.

H. 19.

H. 6.

H. 3.

E. 1.

P. 18.

E. 2.

☞ Note ye / that in this writte the lesse shall recouer his terme & damages agaynst the scoffe of his lessour.

☞ In this writte agaynst R. the pleyntyfe declared that R. hi deforc- ced of an acre of lāde the whiche one A. lett to hi for terme of yeres withi which terme suche a day. &c. A. solde the lande to this R. wherefore R. hym put out / the defēdaūt sayd / that he hath nothyng of the sale of A. & he was put frō that plee / for if it be founde that A. had solde it / yet the puttynge out is nat founde / where- fore he sayde / that A. hath nothyng in demaunc reuercion / nor in seruice at the tyme that he solde the lāde to vs. &c. And that was nat allowed / for he oughte answer to the puttynge out / wherefore he sayde that he dyd nat put hym out by the reason of the sale of A. &c. And note in the same plee if he in the reuercion release to the disseysour / this writte of Quare eiecit infra terminum lyeth agaynst the disseysour.

P. 37.

H. 6.

☞ And note that a man shall nat haue this wyrt except that he haue

Natura breuium. Fo. 186.
possession in dede.

A writte de Eiectione
firme . .

Rex viç satm. Si A. fec. &c. tunc
pone. &c. B. qd sit. &c. tali die /
ostensu quare vi & armis i ma-
nerium de J. qd T. pfato A. dimisit ad
terminu. x. annor qui nondu ptece-
rit / intrauit / & boi & catalla eiusd A.
ad valenc. x. li. i codẽ manerio inuẽt
cepit / & asport. Et ipsum A. a firma
sua p̄dicta eiecit & alia enormia ei
intulit ad graue dampnu ipsius A. &
contra pacem nostrã. Et habeas ibi
nomina pleg. & hoc breue. T. &c.

A writte
de Eie-
ctiõẽ fir-
me / is su-
che.

This writte lyeth in case / whe-
re landes or tenemẽtes are let
to a man for terme of yeres
within whiche terme a straunger of
his owne wronge put out the sayde
tenaunt / than the sayd fermour shall
haue the sayde wyttẽ agaynst the
straunger. And the proces is as in a
writte of Trespasse / for in this wyttẽ
shalbe supposed that the tenaunt was
put out with force & armes.

proces

Natura breuium.
*** Addicion.**

P. 6.
B. 2.

Note ye that this writte of Eiectiōe firme is but in the nature of an accion of Trespasse / & the pleyntyfe shall nat recouer his terme that is to come but damages / but he shal recouer his terme by a wyttē conuenaunt agaynstē his lessour.

T. 7.
H. 4.

Note ye: that exccutors brought a writte of Eiectiōe firme & declared that they testatour was put out & the writte was good. Quere.

A writte de Ingressu ad terminum qui preterit.

**A writte
 de In-
 gressu**

**adtermi
 numqui
 preterit
 isliche.**

R Ex viē salutē. Precē A. q iuste &c. reddō B. vnum mesuag. cū ptiū in R. q idē A. dimisit ad terminū qui preterit vt dic. Et nisi &c. & predictus B. fecit secus. &c. tūc sum. &c. Prefatū A. q sit corā. &c. tali die/ostēsus quare non fecerit. Et habas ibi sum / & hoc breue: teste. &c.

A This writ lyeth where lande or tenemētes are let to a man for

time of yeres / & the tenañt holde ouer
his terme / thā the lessour shall haue
this writte / but in this place of this
writte he may haue assyse of nouell
disseyson / if it be in the fyrste degree
(that is to say) if the lessour enter af
ter the terme endyd / & the lesse entre
agayne & put hym out / thā lyeth the
assise. And also it lyeth in case where
lādes oꝝ tenemētes are let for terme
of a straūgers lyfe / & the straunger
dyed / & the lesse holdeth ouer his ter
me / thā the lessour shall haue the said
writ / oꝝ he may entre as afore is said
And in case that the tenañt for ter
me of lyfe sell the lāde & dyed / thā he
in the reuercion shall haue the sayde
writte. And in case that the tenaunt
for terme of lyfe be Impleaded / and
the lāde be recouered against hym / &
dyed / than he in the reuercion shall
haue the sayde writ in the post. And
note ye: if the reuerciō of a tenañt for
terme of lyfe be graunted to a man
and the tenañt for terme of lyfe ma
ke a feoffment / & dyed. It is sayde
that he to whome the reuercion is
graūted / noꝝ his heire may nat haue

Natura breuium.

the sayde writte: for that / that he is
a purchasour of the reuercion / & nat
lessour nor heyre to the lessour. And
note ye / that this writte lieth nat for
hym in the reuercion after the dethe
of the tenaunte in dower / or by the
Courtseye / for they are nat tenaunts
for lyfe by lesse / but by the law. But
if tenaunt for yeres / or the Bardeyn
by knyghtes seruices sell / than the
lessour or the Infaunt shall haue as-
sise of nouel disseison / & nat this writ
as it appereth by the statute of west
mynster. 2. Capi. 25. whiche begyn-
neth. Quia non est aliud breue. &c.
And the proces is in this writte / &
all other wyttes of Entre graund
Lape / & petyte Lape. And note ye /
that this writ of entre may be made
in the per Cui / & post as a wytte of
Entre or disseyson. And note ye: that
in euery writte of Entre in the post /
the writte shall say. Quod unde que-
rit. &c. & i no other writte within the
degrees. And also in euery writte of
entre where a man demaundeth of
the possession of his auncestour / he
oughte demaunde by title: quod cla-

Proces

Natura brenium.

fo. 188.

mat esse ius. &c. but of his owne possession he shall make no title. Except it be where the woman demaundeth her heritage: or mariage that was solde by her husbände / or her dower of her fyrste husbände solde by the seconde husbände.

*** Addition.**

Q. A man made a feoffement of his lande by Chartour / whiche was delivered into an Indifferent mans hande vpon suche condicion: that yf he pay .xx. li. to the feoffe at suche a day / that he may entre in his lande & that the Chartour to hym be redelivered / if nat. &c. in this case if the feoffour pay the money at the daye assigned / & the feoffe holde the lande after the day / and obtayne the dede / the feoffour shall haue the sayd writ & after the money to be payed.

Ans.

E. 3.

Q. The husbände & the wyfe lett lades to one for terme of yeres / the husbände dyeth / & the lesse helde after his terme / & dyeth / after whose deth the sone of the lesse entreteth / & the wyfe bryngeth the sayde writ / supposyng

Ans.

E. 2.

It canz

Natura breuium.

that he hath no entre but by his father to whome she let for terme of yeres that is past / the tennaunt sayeth that her husbände & she made the lease iointly / & nat she onely .et. & that she mighte nat denye wherfore the writte abated / & no other maner of writte she may haue.

R. 20.

E. 3.

¶ If an Abbot that is pson in persone let lande for terme of yeres that is of the right of his church & dyed & the lesse holde after his terme / his successour shall nat haue the sayde writte though that al be annexed to his abate / & for that / that his successour in suche a writte ought clayme his lande in the ryght of his church that he holdeth as parson / in whiche case he hath no other remedy by the statute but a *Juris vtru* wherfore his writte abated.

Writte de Ingressu dñi don fuit compos mētis is suche.

¶ **Writte de Ingressu dñi nō fuit compos mentis.**

R **Ex viē saltm. p̄tē A. q̄ iuste & sine dilatione reddat B. vñū mess. cū p̄tū in R. qđ clamat**

Natura brevium. Fo. 189.
esse ius & hereditatē suam: & in quod
idē A. nō habet ingressum nisi per C.
patrem p̄dicti B. cuius heres ipse est
qui illud ei dimisit / dum nō fuit com
pos mentis sue: vt dic. Et nisi fecerit
ec. Teste. ec.

This writte lyeth / where a mā
selleth lande or tenement / whā
he is out of his mynde / & dyed
than his heyre after his deth shall
haue this writte. And note ye: that
it is sayde / that the auncestour selfe
shall nat haue this wrytte: for that /
that he shall neuer be resceyued to di
fable hym selfe quere. And note ye:
that this writte may be made in the
per / Qui / & post / as other wryttes of
Entre. And the proccs is / Somons
graunde Cape / & petit Cape.

Quere.

Protes

*** Addition.**

In this writte it was supposed /
that the tēnānt hath no entre but by
his auncestour that demised the tē
nānt. The tēnāt sayd that he entered
by one R. and nat by his aūcestoure
and that was holden no p̄cc / for he

T. 18.

E. 3.

Natura breuium.

ought to traucrs the dimise/and nat
the entre/wherefore he sayd that he
entered by **R.** without that/ that his
auncestour lett.

H. 12.

E. 2.

Note ye : that in this writte of
Dum non compos mentis/omission
of discent of hym that mighte tende
the estate of the ptye of the deman-
daunt/shal nat abate the writ/though
that he suruiue hym of whose seyson
he demaundeth / except that he was
seyled/or had released / or had made
felonye/or had issue in full lyfe.

H. 12.

E. 3.

A. 39.

H. 6.

Note ye : that if one beyng out
of his mynde make a feoffement in
fec/after his deth his heyre may en-
tre/for the issue was taken vpon the
beyng out of his mynde.

**A writte de Ingressu dum fuit
infra etatem.**

**A writte
de / In-
gressu
dum fuit
infra eta-
tem/ is
suche.**

Rex viç/salutem. **Præ** A. q in
ste. &c. B. qui plene etatis est:
vt diç duas accras terre cum
ptiñ in **R.** quas idem B. ei demisit
dum infra etatem fuit/vt diç. Et nisi
fecerit. &c. Teste. &c

This writ lyeth where one be-
 ynge within age selleth his la-
 de to hym discended / or of his
 owne purchace in fee / or for terme of
 lyfe / whan he cometh to his ful age /
 he or his heyre may recouer by this
 writte / but it is conuenient that he
 be of full age the daye of his writte
 purchased / but if the Infauit lett is
 lande for terme of yeres / & after he
 make a confirmacō / or release withi
 age he shall nat haue the sayde wyte
 whan he cometh to his full age / but
 he may haue in this case assise of no
 uell disseyson: for that / that the In-
 faunt made no leucry of seyson. And
 note ye / that if lande in fee symple be
 solde by one beyng within age / the
 heyre of the seller shall nat maiteyne
 the sayde writte beyng within age /
 nor no writte of Entre. Except it be
 within the case of the statute of west
 myn .i. Ca. 46. whiche begynneth.
 Durueu est ensemente que null. &c.
 Also if the father beyng within age
 sell lande to hym discended in taylor &
 dyed / his yssue shall haue a forme do-
 ne in the discendze / and nat the sayde

Natura breuium.

Writ. And note ye: that if an Infaut
sell his lande/ he may entre againste
his owne feoffemente / & if he be put
out he shall haue assise of nouell dis-
seyson whā he cometh to his ful age
but whan he cometh to his ful age/
it is conuenient for hym to purchase
the sayd writte. And note ye: that an
Infaut shall recouer in a writte of
right/ or any other writte accordyng
to his case/ for suche lāde that he hath
of his owne purchase. And also an
Infaut shall be charged to attourne
by a wryt that is called per que ser-
uitia/ vt patz p Johēm Coplāde ter-
mino Michael. A. 25. E. 3. but it is
sayde that he shall nat be charged to
attourne by a Quid iuris clamat.
And note ye: that an Infaut maye
maynteyne a writte of Entre vpon a
disceysō made to hym selfe. And note
ye: that if. u. brynge a wryt of ryght
as heyres/ the one beyng withi age
the plee shall cary vnto her full age.
If a man brynge a wrytte of posses-
sion/ as a writte of Ayle/ Colinage/
or Assise of Mort dauncestour/ & the
tenante in any of these accions saye/

Natura brenium. 10.191.

that his aūcestour was seysed of the
same lande in his demeane as of fee/
after whose deth he entered as sōne
as he yre/ & pray his age/ if the trouth
be so he shall haue his age. Other-
wysc is i assise of nouel diss. for that/
that the diss. was his owne wronge.
If an Infauit bypunge any writte of
possession agaynste one of full age /
he shalbe answered/ as in a forme do-
ne in the disceder if his aūcestour
dyed seysed as of fee taylor: for that/
that it is in place of assise of Mort-
daūcestour/ but if there be pleaded
agaynste hym the dede of his aūce-
stour with assise by discent / the plee
shall taryc: for that / that he within
age maye nat confesse nor denye the
dede of his aūcestoure. But if in as-
sise of nouel dissyson/ the dede of the
father of the Infauit with a warrant
te be pleaded agaynste hym / the as-
sise shalbe awarded of the auantage
of the Infauite to inquire of the
Circumstances of the dede (that is
to saye) if it be the dede of the aū-
cestoure / and if it be that the aū-
cestoure was of full age / and of

Natura brenium.

good memorie / & if the lande passed
by the dede or nat / & if he be heyre to
hym / & for these matters afore loke
the statute of Gloz. Ca. 2. whiche be-
gynneth. Si enfaunt deins age .xv.
Note ye: that an Infaut shall answe-
re where he is scoffed within age / &
euery other case where he is in of his
owne Intrusion. The same lawe is
in a writte of dower where the heyre
is bouched to warrantye. The same
lawe is in appeale if he be of the age
of .xiii. yeres. And note ye: if an In-
faunt sell his lāde reseruyng certayn
rent / at his ful age he rescyue the
rent / he shalbe barred of this accion.
And note ye: that an Infaut maye
nat sue apeale: for that / that he may
nat suffer Imprysonemēt / & also for
that / that he may nat make raunso-
me.

*** Addition.**

**P. 13.
L. 3.**

¶ This writte was brought in B.
the ternaunte sayde that the vsage of
that towne is / whan a man can couē
xii. d. & mesure a yerde of clothe that
he is of age to sell his lāde / & of suche

Natura breuium. **fo. 192.**

age was the demaundaunt whā he
dimised / & for that / that he put nat
the age i certayne so that the demaū
daunt myght haue answer to that /
awarded was that the demaundaunt
shulde recouer.

☛ Note ye: that if the husbände &
the wyfe do sell lande / that he hath i
right of the wyfe both beyngc withi
age / after the deth of the husbände /
the wyfe shall haue a **Dū fuit infra**
etate / & this is in a writte of waste.

M. 14.
E. 3.

☛ If the husbände & the wyfe pur-
chase lande ioyntly / the wyfe beyngc
within age / and the husbände & the
wyfe sellet h all the lande / the husban
de dyed / the wyfe shall recouer the
hole by this writte.

M. 22.
E. 3.

☛ Note ye: that it is sayd by Hake
in assise / that an Infauit of the age
of .xviii. yeres may be a disseysour
with force & armes / & be Imprisoned
& answer to the wronge made by hi
self. & if the Infauit pleade in barre
(as he well may) & a title is made a-
gaynstc hym / he shall answer to the
title / or otherwyse the assise shalbe
taken / & if he reply agaynstc the title

T. 12.
H. 4.

Natura.

DD. 1.

Natura breuium

whiche is founde agaynste hym / it shall nat be enquired if he hath any other matter agaynste the title / and that is for the wronge that is suppo sed in his pson / but whan he is plicu tyfe / & a barre pleaded agaynst hym the courte of offic shall enquire for the Infaut : for that / that he knoweth nat his best right / & the courte hath power to enquire for the tēder nes of his age.

M. 9.
E. 4.

Note ye: that it was holden by all the Justices / that the circumstaū ces of a dede pleaded agaynst an In faunt / shall nat be enquired in a writ of Entre / uoz in no other writte / but where there is a Jure at the fyrste day / for the venire fañ is to trye one poynte certayne.

**A writte de Ingressu sup
diff. in le quibus.**

**A writte
de In-
gressu
per diff.
in le qui-
bus is
suche.**

R Ex viē salutem. Prez A. q. fē.
redd B. vnū mess. cū ptiū i fē.
q. clamat esse ius & hered suū
et de quo idē A. iuste & sine iudicē dis-
seuit A. pfm pdicti B. cui⁹ heres ip

Natura breuium. Fo. 193.
se est/post primā tractē dñi regis. &c.
In Gascon. &c. Vel sic. In quod idē
A. nō habet ingressū nisi p C. cui A.
illud dimisit q iniuste & sū iudicio dis
scisiuit B. patrē predicti B. vel ante
cessorē. &c. cui⁹ heres ipse est post pri
mā transrctationem. &c. Vel sic. In
quod idem A. nō habet ingressū/nisi
post dimissionē: quam C. inde fecerit
B. patri. &c. pdicti B. cuius heres. &c.
post primam. &c. Et vnde queritur.
&c. Teste. &c.

This writte lyeth where a mā
is disseysed/ & dyed / his heyre
shall haue the sayde writte a
gaynst the same disseysour. And note
ye: that this writte is nat gyuen but
onely for the heyre of the disseisi (in
what degree so euer he be). And in
this wrytte the demaundaunt shall
make title as heyre from the aunces
stoure that was disseysed. And note
ye: that this writte shall nat tary for
the nonage / as appereth by the sta
tute of westm. 1. Capi. 46. whiche be
gynneth. Purueu est ensement. &c.
It is sayde/ if the forsayde writte be
Natura. DD. ii.

Proces

Natura brenium
brought agaynst the yssue of the alie
ne of the disseisour (if he be within
age) that the plee shall nat tarye: for
that / that it is nat within the case
of the sayde statute. And the proces
is in this writte / & all other wryttes
of Entre that are plee of lande / & be-
gynneth pcipe q redd. &c. Somons/
graund Cape / & petit Cape. And this
writte shall saye: de quo vel de quib⁹
A. dist. B. patrē. &c. cuius heres ipse
est. &c.

*** Addition**

H. 8.

E. 3.

☞ Note ye: of what thynges a mā
shall haue the sayd writ / he shal haue
the sayde writte of a Beorge.

M. 13.

E. 3.

☞ If a fysshynge be graunted to an
Abbot / & he vse the fysshynge in seue-
ralte / if he be disseysed & dyed / his suc-
cessour shall haue a wrytte of Entre
for the grounde.

T. 4.

E. 3.

☞ And note ye: that a mā shal haue
the sayde writte. pcipe q redd pa-
stura ad duos boues / & this is to be
Intendyd that this writte lyeth nat
agaynst the lorde of the ground / for
agaynst hym lyeth the Quod per-

mittat.

¶ A man shall nat haue the sayde writte of p̄cipe q̄ reddat passagiū bltra aquā/agaynste hym that hath the course of the water/but a Quod permittat.

℥.3.
℥.2.

¶ A man shall haue this writ p̄cipe. &c. q̄ reddat balliuam custodiē dū p̄cū de ℥. cū p̄tīn quā clamat esse ius & hereditatē suam.

℥.7.
℥.3.

¶ Note ye: that a man shall haue a p̄cē q̄ redd of a thyng that lyeth in gpyng/as lāde/rent/& suche lyke but of a thyng that lieth in takyng or sufferance to vse otherwysc is/ as of Cōmon / Estouers / & suche lyke/ whercof the partye shall haue assise/ or a Quod p̄mittat.

℥.4.
℥.4.

¶ A writte de Ingressu super
diff. in per .°.

Rex vīc salutē. p̄cē A. q̄ iuste & sine dilatione redd B. vnū de Ingressu cū p̄tīn in ℥. qd clamat esse eius & hereditatem suā & in quod idem A. non habet ingressum nisi p̄ ℥. q̄ ind iuste et sine iuditio diffit. suche.

A writte
de In-
gressu
per diff.
in per is
suche.

Natura breuium .

T. p^m p^dicti B. cuius heres ipse est
post p^rima trans^sit dⁿi B. &c. & vnde
queritur. &c.

This writte lyeth where a mā
is disceysed of his freholde / &
the disceysour sell to a straun-
ger / or if the disceysour dye and his
heyr entre / than the disceysi or his
heyr shall haue the forsayde wrytte
agaynst the alienour / or agaynst
the heyr of the disceysour. And note
ye: that luyng the disceysour no
writte of Entre lyeth for the disceysi
but onely assise of no. dist. And the
writte of Entre shalbe. Et quod idē
A. non habet ingressū nisi p B. qui il-
lud ei dimisit qui iniuste. &c. And if
the disceysour sell the lande / & dyed/
he to whome the lāde was solde sel to
another / or incase that the disceysour
dye / & his heyr entre / & that heyr
dye / and his heyr entre / than the
disceysour / or his heyr shall haue a
wrytte of Entre sur disceyson in the
per / et Cui. And the wrytte shalbe
thus. Et in quod non habet ingressū
nisi per J. S. cui R. D. illud ei

Natura breuium. Fo. 195.

dimisit qui inde. &c. And note if / the
discypsour sell the lande / and dye / &
he to whome the lande was solde sel
to another / & the seconde aliene sell
the lande to another man / or in case
that they be thre discentes of the dis
scypours parte / than the discypsi / or
his heyre shall haue a wytte of En
tre in the post / and the wytte shalbe
Et in quod non habet ingressum nisi
post disciam quod h. inde iniuste.
&c. And note ye; that .v. thynges put
teth the wytte of Entre out of the de
grees (that is to say) Intrusiō / Elec
cion / disseision bpō disin / Jugemēt
and Escheyte / fyrste Intrucion is /
where the discysour dyed seysed and
a straunger abate / the discypsi or his
heyre shall nat haue a wytte of En
tre in the per / but the wytte shalbe
in the post : for that / that the aba
tour is nat in by discente / nor by pur
chace / but onely by his owne wron
ge. The seconde cause is Eleccion /
and that is where the discysour is
a man of religion and dyed / or is de
posed and his successour entrecth /
the discypsi or his heyre shall nat

Natura breuium .

haue a writ of Entre in the per/ but
a writte in the post / the cause appe-
reth. The thyrde is Iugement/ and
that is / where a man recouereth a-
gaynst the disseysour/ & after the dis-
seysour dyed / the disseysli or his heyr
shall nat haue a writte of Entre in
the per/ but in the post. The fourthe
is disin vpon disin/ & that is wher
the disseysour is disceised/ & dyed/ the
fyrste disseysli or his heyre shall nat
haue a writ of Entre in the per/ but
in the post. The fyfth is Escheit / &
that is wher the disseysour dyed
without heyre / or do a felonye / for
the whiche he is attaynted / & dyed.
The lordc entreth as in his Escheit
the disseysli or his heyre shall nat
haue a writ of Entre in the per/ but
in the post/ the cause appereth. And
note ye: that the writte of Entre in
the post is gauen by the statute of
Marl in the laste chapitour/ whiche
begynnetth. *Provisum est. &c.* And
Proces the proces is *Homōs*/ graund Cape
and petit Cape. And note ye: that if
the yssue brynge a writte of Entre
in quibus / & the ternaunte pleade in

Natura brenium. **fo. 196.**
barre a scoffemēt of the same father/
the yssue shall nat be charged to an-
swer to the dede / but he shal haue
his writte: for that / that this is no
barre but it is a traaverse to the writ.

**A writte de Entre line as
sensu capli .°.**

Rex viz salutē. p̄re A. q̄ iuste
et reddat B. abbi sancti Au-
gustini de R. unum mess. cū
pertinē in R. q̄ clamat esse ius mona-
sterii sui p̄dicti. Et in q̄d id A. nō ha-
bet ingressum nisi per C. quondā ab-
batē monasterii p̄dicti q̄ illud ei di-
misit sine assensu & voluntate capli
monasterii p̄dicti / vt dic̄. Et nisi fece-
rit / & p̄dict⁹ B. fecerit. et. Et habeas
et. Teste. et.

**A writte
de En-
tre line
assensu
capli is
suche.**

This writte lyeth / where an
Abbot or priour / or any su-
che that hath couēt / or comō
seale selleth lande or tenement that
he hath in the ryght of his churchē/
without the assent of the couent / or
chapitour & dyed / thā his successor

Natura brenium
shall haue the sayde writ. And know
ye: that this writte may be made in
the per Qui/ or post / as it appereth
by the registre. And the proccs is as
in the writte nexte afore.

Proccs

**A writte de Ingressu sue
cui in vita .***

**A writte
de In-
gressu
sue cui i
vita is
suehe .**

R Ex viē salutē. Preē A. qđ .&c.
red B. que fuit vxor D. vnum
mess. cū ptiū in R. qđ clamat
esse ius et hereditatē suā. Et in qđ id
A. non habet ingressū nisi p̄ p̄dictum
D. quondā virū ipsi⁹ B. qđ illud ei di-
misit: cui ipsa in vita sua cōtradicere
nō potuit: vt dic. Et nisi fec. &c.

Proccs

This writte lyeth/where a wo-
man is seyled for terme of lyfe
in taylor/or in fee symple / and
take a husbande / & the husbande sell
the lādē / & dyed / the wyfe shall haue
the forsayde writte. And the proccs
is graunde Cape / & petit Cape. And
note ye: that in this writte she shall
make title / & the writte shall say: qđ
clamat esse ius & hereditatē suā; nat

Natura breuium. **fo. 197.**

withstādyng her owne seyson. And
if the wyfe hath other estate thā fee
symple as for terme of lyfe/ the writ
shall say **Quod clamat tenere ad ter**
minū vite sue/ & of fee taylor. And in
case that the husbāde and the wyfe
purchase ioyntly / & the husbāde sell
all the lande & dyed / the wyfe shall
haue the sayd writ & recouer the hole
And by the statute of westm. .2. Ca.
3. whiche begynneth. **In casu quo.**
vir. &c. wyll that if lande whiche the
husbāde hath in the ryghte of his
wyfe/ be recouered agaynst the hus-
bāde & the wyfe by defaute / after
the deth of the husbāde the wyfe
shall haue the forsayde writte & the
tenaunte shall shewe the matter of
his fyrste writte/ to whiche writ the
wyfe shall haue answer / and if it be
founde that the tenaunte hath no
righte / than the wyfe shall recouer
by the sayde writ. But if a mā reco-
uer agaynst the husbāde onely the
lande that he hath in ryghte of his
wyfe by defaute or accion tryed/ and
the husbād dyed/ the wyfe shall haue
assise/ & nat the sayde writ : for that

Natura brenium

that he was nat partye to the Iugement.

And note ye: that where a man is a straunger to a iugemēt/he may haue traaverse to the title cōpysed i that Iugemēt/as i case that I brig a formedon/& the tēnāūt say/that another tyme he brought assise of no. dist. agaynst B. & recouered / & the gyfte of whiche he bryngeth this action was mente betwixte the disseyson made to hym / & his recouere / & demaunde iugement. &c. the demaūdaunt sayd that by suche a recouere you may nat defete the gyfte / for ye were nat disseyced/& that am I redy to auerre .&c. & that was thoughte a good plee / but the partye that is pꝛꝑue shall nat haue suche auermēt: for that/that he is helped by Attait/Errour / or Disceyt after his case / & so no muchyef to hym. And note ye: that if the wyfe brynge her wyrt of Cui in vita agaynst the feoffe of her husbande/& the feoffe vouch to warante the heyre of the husbāde that is within age/the plee shall nat tary vnto his full age: for that/ that it is

remedied by the statute of westm .2.
Ca. 40. whiche begynneth. **Cū quis**
ec. But otherwyse is / if the wyfe
brynge her **Cui in vita** in the per / &
Cui / & the tenaunte voucheth hym to
warrāte by whome his entre is sup
posed & he voucheth ouer the heyre of
the husbāde that is within age / &
pray that the pleemay tary vnto his
ful age / i this case the pleee shall tary
for that / that the same statute is nat
otherwyse entendyd but where the
aliene of the husbāde voucheth to
warrant the heyre of the husbāde.
And note ye: that this accion lyeth
for the heyre of the wyfe / for if the
husbāde sell lande that he hath in
righte of his wyfe / & the husbāde &
the wyfe dyed / the heyre shall haue
the sayde wytte. But if the wyfe be
tenaūt in taylor / & the husbāde sell or
the husbāde & the wyfe lose by default
It is sayde that the heyre shall haue
a forme done in the disceder / & nat a
Cui in vita. And note ye: that if the
issue brynge the sayde wytte of sur
Cui in vita of the sale made by his
father he shall nat be barred of acciō

Natura brenium

by the warrante of his father onely without / that he hath to the value of fee simple descended to hym fro his father that made the warrant. And that is gyven by the statute of Gloz Ca. 3. whiche begynneth. Estaple est ensement. &c. And in case that the husbände let lande that he hath in right of his wyfe for terme of yeres & after make a confirmaciō for terme of lyfe / or in fee / & the husbände dyed it is sayde that the wyfe may nat haue the Cui in vita. But Assise of no. dist. nor the heyre of the wyfe aft the dethe of the wyfe shall haue the sayde wyrt / but a wyrt of Entre sue dist. for the wyrtte shall nat suppose suche sale to be made by confirma- cion / nor by release.

*** Addition.**

B. 48.

E. 3.

☞ The wyrt of a Cui in vita was: q̄ clamat tenere sibi & heredibus de corpore. &c. & sheweth nat of whose gyfte / wherefore the wyrtte abated / but in a Quod ei deforcat / he shall nat shewe of whose gyfte.

Natura breuium. Fo. 199.

¶ The sayde wyrt supposeth that **M. 19.**
the ternaunt hath no entre but by one **E. 2.**

S. & the ternaunt sayd that he entered
by the sayde S. & one A. his wyfe in
gement of the wyrtte / yet the wyrtte
is good / for though that the hus-
bande made a demyse to S. & A. his
wyfe / & they demysed ouer to the te-
naunt / yet all shalbe counted that dy-
myse of the husbade / wherefore the
ternaunt pleaded to the accion. But if
S. & A. had demysed by fyne other-
wyse shulde be / & than the ternaunte
shulde haue pleaded so.

¶ The sayde wyrtte was brought **H. 33.**
agaynst the husbade & his wyfe / sup- **E. 3.**
posyng that the wyfe hath no entre
but by one J. to whome the husbade
of the pleyntyfe demysed. &c. the te-
nauntes sayd that the husbade & the
wyfe entered by the sayde J. iugemēt
of the wyrt / & that plee was nat alo-
wed without trauersinge that the
wyfe onely entered.

¶ If the husbade & the wyfe / and **M. 36.**
the thyrde purchace ioyntelyc / & the **E. 3.**
husbade sei all the lande & dyed / the
wyfe. Shall nat haue a *Qui in vita*

Natura brenium

liuyng the thyȝde: for that/that they
may ioyne in a writte of ryght / but
if the thyȝde dye / she shal haue a Cui
in vita of the hole/ but if the purcha-
ce was afore the maryage / than she
shal haue a Cui in vita / but of the
halfe / no more than a Cui ante de-
uorciū.

**9. E. 3.
Li. all.**

☛ If the husbāde be seysed of lan-
de for terme of lyfe in the ryghte of
the wyfe / & thercof make a feoffemēt
by force wherof he in the reuercion
entre / & the husbāde dyed / the wyfe
shal haue the lande agayne.

**M. 10.
E. 3.
H. 17.
E. 3.**

☛ If the husbāde discontynue lā-
de that he hath in the ryghte of his
wyfe & dyed / if the wyfe accept parte
of the lande in name of dower quere
if she shal be barred.

**M. 34.
E. 3.**

☛ If a mā gyue lande to a woman
vpon condicion that she shal sell the
lande / & to distribute the money for
the soule of the scoffe / the wyfe ta-
keth a husbāde / & after the husban-
de & the wyfe sell the lāde & distribute
the money accordyng / the husbāde
dyed / the wyfe shal nat haue a Cui
in vita.

Natura bñcium. fo. 200.

A writte de Ingressu cui

ante deuorē.

Rex viz salutē. Preē A. q̄ red-
dat B. q̄ fuit broz C. vñū mess
cū pñū i A. q̄ clamat esse ius
et hereditatē suā / et in quod idē A. non
habet ingressū nisi p̄ pñict C. quon-
dā vicū ipsius B. qui illud ei dimisit
cui ipsa ante deuorē iter cos celebra-
tū cōtradicere nō potuit / vt dīc. Et
nisi fec. et. Et habcas. Teste. et.

A writte
de In-
gressu
cui ante
deuorē/
isliche.

This writte lyeth / where a mā
sellecth lande that he hathe in
the right of his wyfe / as afore
is sayde in the Cui in vita / et after-
warde a deuors is had betwixte thē
thā the wyfe after the deuors or hē
heyrē shal reconer against the feoffe /
his heyrē: or his assignes / or what p̄-
son so euer that is in the lande. And
this writte may be made in the pet /
Cui / or post. And the proces is / as in
the writte nexte afore.

Proces

A writte de Ingressu causa

matrimonii prelocuti.

Natura.

E E. i.

A writte
de In-
gressu
causa
matri-
monii p
locuti is
Cuche.

Natura brenium.

R Et viē salutē. p̄reē A. q. sc̄.
reddō B. vñū mess. cū p̄tū i f̄.
q̄ idē A. ei dimisit causa ma-
trimonii inter eos p̄locuti qui cā dux
isse debuit in uxore & nondū duxit ut
dicit. Et nisi fec̄. sc̄. Teste. sc̄.

This writte lyeth/where a wo-
mā gūeth certayne lādes /te-
nemētes/oz rentes to any mā
vpon conditiō/that he ought marrye
the sayde woman within a certayne
tyme/if the man wyll nat marry the
sayde woman within the sayd tyme
(betwixte them assigned) oz if the
mā disableth hym selfe/as in taking
of another womā to his wyfe in the
meanetyme/oz entre in to religiō/oz
be made a p̄cest/so that she may nat
take hym to husbāde accordynge to
the condition/she oz his heyres shall
recouer the sayde lādes agaynst the
sayd man/oz agaynst who so euer be
in the lāde /by this sayd wrytte / for
this wrytte maye be in per / Qui /oz
post.

And note ye: that it is conueniēt
that this condition be made by In-

Natura breuium. Fo. 201.
dcture/ or otherwyle this writ lyeth
nat. And the proces is as in the Cui proces
in vita.

*** Addition.**

In a Cui in vita / the tenaunte An. 5.
sayd/that the sayd H. her husbande E. 2.
gaue the same landes to the wyfe
now demaundaunt : causa matrimo-
ni plocuti : & after toke her to wyfe.
Et. and so the effecte of the gyfte .Et.
Deuon/ if a man gyue lande to a wo-
man by fyne / and the nexte daye
he marye her / suppose you that the
fyne is voyde / whiche proueth that
by the espousels / the gyfte nor the
graunt is nat defetcd.

A writte de Intrusione.

Rex viç salutē. p̄reç A. q. Et. A writte
redd B. vñ m̄ss. cum p̄iñ in de In-
trusione. R. qđ clamat esse ius & heredi-
tate suā/ & in quod idē A. nō habet i-
gressū nisi per intrusionē quā i illud
fec post mortē C. q̄ fuit v̄or B. que
illud tenuit in dotē de dono p̄dicti.
B. quondam v̄eri sui patris p̄dicti
Natura. EE. 11.

Natura breuium.

*B. cui⁹ heres ipse est vt dic. Et nisi.
et. Et habcas. et. Teste. et.*

This wrytte lyeth / where the
tenaunt for terme of lyfe / or of
another mans lyfe / tenaunt in
dower / tenaunt by the courtesye dyed
seised of certayne landes & tencmen
tes / & a straunger entre he in the reuer
cion shall haue the sayde writt agais
the abatour / or agaynst who so euer
that is in the lande after the deth of
suche tenauntes. And note ye : that
this writte may be in the per / Cui /
or post / as other wryttes of Entre.
And note ye / that Assise of Mortdai
cestour / Ayle / Colinage / Assise of dar
reque presentement / & Sup obit / are
called writtes of possessiō / in whiche
writtes a man shall recouer dama
ges / Costes / & the issues of the land
or tencement demaunded. And note
ye / that a writte of Intrusion in the
tyme of vacaciō shalbe maynteyned
for the successour agaynst the aba
tour that is in / in any lande or tenc
ment that belongeth to his church
after the deth of his predecessour / &

Natura breuium. Fo. 202.

that is gyue by the statute of Mar.
Ca. ultimo. And the proces is as in Proces
the Cui in vita.

* Addition.

☞ The graundfather / father & the H. 7.
sone are / & the graundfather let lāde E. 3.
to the father for terme of his lyfe /
the graundfather & the father dyed /
& a straūger abate / the sone shal haue
a writte of Intrusiō / & declare of the
scyson of the graundfather / & make
discent by his father.

☞ If landes be let for terme of lyfe P. 6.
the remaynder ouer i fec / the ternaūt E. 2.
for lyfe dyed a straunger abate / he in
the remaynder may chose to haue a
Scire fac / or a wyrt of Intrusion.

☞ A writte de Ingressu ad com-
mune legem .*

R Ex viē saltm. p. 2e A. q. iuste de In-
& sine dilatione reddō B. vnam gressu
bouatā tre cū ptiū in R. quā ad com-
clamat esse ius et hereditatem suam munē le
et in quam idem A. nō habet ingres- gem is
sum nisi per C. q. fuit vroz B. q. illā suchē.

Statuta breuium .
ei dimisit / & que illam tenuit in dote
pdicti B. quondam viri sui / patre p-
dicti B. cuius heres ipse est vt dicitur.
Et nisi. &c. Et habeas. &c. A. &c.

This writ lyeth / where the te-
nant for terme of lyfe / or of a-
nother lyfe / tenat by the cour-
tesye / or tennant in dower / make a
feoffment in fee / & dyed / he in the re-
uercion shall haue the forsayde writ
agaynst who so euer that is in the la-
de after suche feoffment made. And
note ye: that this writ may be made
in the per / Qui / or post. And note ye:
that it is gyuen by the statute of west-
minster. 2. Ca. 3. whiche begynneth
In casu quo vir. &c. if tennant in do-
wer / or by the courtesye loseth by de-
faute & dyed / he in the reuercion shal
haue the sayde writte / but if the te-
nant by the lawe of Englande make
a feoffment / or lose by defeaute / and
dyed / he in the reuercion maye reco-
uer by assise of Mortdauence. Ayle
or Colinage / notwithstandinge the
seylon of the tennant by the courtesye
as it appereth by the statute of Glouc.

Natura breuium. fo. 203.
Capitu. 3. whiche begynneth. **Estas**
ble est que si home de .et. where he
might haue had the writte of Entre
at the comon lawe. And the pces is **proles**
as in other writtes of Entre.

¶ Addition.

In a writte of Entre at the co- **M. 16.**
mon lawe/the wryt sheweth nat the **E. 2.**
deth of the tenaūt for terme of lyfe/
wherefore the wryt was abated by
Jugement and after reuerſed in the
kynges benche: for that / that there
is no other fourme of writte.

¶ A writte de Ingressu in ca-
su prouiso .

R **Ex viē salutē. Preē A. q. .et. A writte**
reddō B. vnū mel. cū ptiū i R. de In-
q clamat. .et. .et in q idā. nō ha gressu i
bet ingē nisi p A. q fuit vxor B. q il- casu pro
lud ei dimisit / vñ q illō tenuit i totē de uiso is
dono pdicti B. quondā viri sui ptis luche.
pdicti E. cū^o hēt ipse est / .et q p dimis
sionē p ipsā A. ptesat B. cōtra formā
statuti Gloē de communi consilio

Natura breuium
regni Anglie inde putsum factam in
scod ad pfectat B. reueriti debeat per
formam eiusdem statuti vt dicitur. Et
nisi fecerit: vt supra.

This writte is gyue by the sta
tute of Glo. Ca. 7. which be
gynneth. Ensement q si feme
vende. &c. lyeth where tenaunt in do
wer maketh a scoffment i fee / i taylor
oz for terme of the lesser lyfe / lyuig
the tenaunt in dower / he in the reuer
cion shall haue this writte agaynst
hym that is in the lande. And this
writte may be made in the per / Cui /
oz post / as other wryttes of Entre.
And note pc: that this wrytte lyeth
durynge the lyfe of the wyfe / & nat
after the deth.

**A writte de Ingressu in co
simili casu . . .**

**A writte
de In
gressu
confini
li casus
isliche.**

Rex vobis saltim. p. d. A. q. iuste
& sine dilatione redd. B. vnum
mess. cu pertiñ i A. q. clamat
esse ius & hered sua: & in quod idem
isliche. A. non habes ingressum nisi per C. q.

Natura breuium. Fo. 204.

illud tenuit p lege Anglie post mor-
tem B. quondā brozis sue matris p
dicti B. cui⁹ heres ipse est. Et q post
dimissionē per ipsum C. p^{re}fato A.
inde factam in scodo ad p^{re}fatu B.
reuerti debeat per formam statuti in
consimili casu p^{ro}uissum. Et nisi fece-
rit. &c. Teste. &c.

This writ is taken by the equi-
te of the sayde statute of Gloz
Ca. 7. & lieth where the tenat
for terme of lyfe/or by the courtseye
make a feoffement as afore is sayde/
he in the reuercion shall haue this
writte agaynst who so euer be in the
lande durynge the lyfe of the tenant
by the courtseye/or tenant for terme
of lyfe/& nat after they^r deth. H. 12.
E. 3. And this writte may be made i
the per Cui/& post/ And the proces i
these two writtes is Somōs/grānd
Cape/ and petit Cape.

* Addicion.

Note ye: that this writte was
maynteyned by the tenante in taylor
in the reuercion / & the writte made
mencion of the taylor.

Proccs

H. 21.

E. 3.

R.6.
E.2.

Natura biennium.

Note ye: that this writte was purchased durynge the lyfe of the tenant for terme of lyfe / & hangynge the writte the tenant dyed / yet the writte was awarded good: for that / that he was a stranger to the wyte and also the accion is brought of the alienacion.

B.18.
E.2.

If a man let landes for terme of lyfe / the remaynder to another in fee by fyne / the tenant for terme of lyfe made a scoffement in fee / he in the remaynder i fee brought the sayd writ & the writte was good by the opiniō of the courte.

B.12.
E.2.

Note ye: that the graunt of the reuercion brought the sayd writte / & was iuged good: ex assignatiōe. &c.

A writte de Cessavit per biennium.

A writte de Cessavit per biennium is ouche.

Rex viē salutem. Precē A. q. &c. reddō B. vñū mess. cū pertiū in A. quod idem A. de eo tenet p certa seruitia. Et q ad pfatū B. reuertī debeat per forma statuti de cōmuni consilio regni nostri Anglie in.

Natura breuium. Fo. 205.
de prouisum eo quod predictus A. in
faciendum seruicia predicta per bien
nium iam cessauit ut dicitur. Et nisi fe
cerit. &c. Teste. &c.

This wytte lyeth where my
very tenaunt holdeth of me cer
tayne landes or tenementes by
the seruices of homage & fealte / & to
gyue to me euery yere at certayn tce
mes of the yere certayn ret of which
seruices I was seysed by the hande
of the tenaunte / than if he cease of the
paymēt of the sayd ret by .ii. hole ye
res / so that I could nat fynde distres
in the sayde tenementes. & no goodes
whereby I myght distreyne hym to
haue paid the sayd ret / but suffereth
the lādes to lye frellhe without man
nuraunce / after the sayd .ii. yeres pas
sed / the sayd tenementz by cause of the
cessour ought to reuert to me / & than
I may recouer by this writte agais
t my tenaunt or his heyre / or agaynst
who so euer be in after the sayde ces
sour by .ii. yeres. And note ye : if he
agaynstc whome my writte is brou
ghte / come in courte afore iugment

1705. Natura brevium.

gyuen / & pay to me the arrerages &
damages reasonable for the sayd ces-
sour / & fynde suertye as the courte
wylle awarde that he shall cesse no
more of the payment of the rent / thā
he shall holde styll the sayde tenemē-
tes / so that I shall nat recouer by
this wytte. And note ye : that the
heyr may nat maiteyne this wytte
by cause of a cessour made in tyme of
his auncestour / nor shall haue no rē-
sute / nor arrerages dew in the lyfe of
his auncestour. And also it is sayde
that this wytte lyeth of the cessoure
of no seruices / but of perely seruices
as of rente & suche lyke / & nat of ho-
mage / fealtye / escuage / & relyefe / for
these are no perely seruices. And note
ye : that if I dye seysed of perely ser-
uices / & the tenaunt cesse the two ye-
res next after my dethe so that my
heyr was neuer seysed of the seru-
ices / yet my heyr shall haue the sayd
wytte agaynst the sayde tenaunt or
his heyr / or agaynst what person
socuer that is tenaunt / & he shal name
hym selfe heyr to his father in the
wytte. And so is the statute of wylle.

Natura breuium. fo. 206.
myfter. 2. Capt. 21. whiche begyn-
neth. Cū in statute apd Bloz. &c.

*** Addition.**

In a Cessant the wrytte was/ **I. 8.**
that one J. holdeth certayne landes **E. 3.**
by certayne seruices/ & that the sayd
J. hath cessed/ & declared that J. hol
deth of hym the maner of M. where
of the Carue is percell by certayne
seruices/ & that the tenaunt hath no
entre but by J. & the wryt was chal-
lenged: for that / that he declared
that the hole maner was holden of
hym by certayne seruices / & he assig-
ned the cessour but in the lande de-
maunded that is parcell of the ma-
ner/ where he oughte to haue assig-
ned the cessour in the hole maner / &
that Excepcion was nat allowed/ for
the cessour shall nat be assigned but
in the lande demaunded.

A Cessant was brought against **M. 29.**
A. & declared that B. helde of hym / & **E. 3.**
that the tenementes oughte to re-
uert: for that/ that the sayde A. hath
cessed/ and the wrytte awarded good

Natura breuium.

An. 31.
E. 1.

without spekyng of any entree.

¶ In a Cessant he founde .iiii. pledges / & the courte awarded if the rent be behynde aft that the lord shall distreyn in the lades of the pledges.

H. 33.
E. 2.

¶ Two coparceners are intituled to haue a Cessant / the one hath issue & dyed he that suruiucth shall nat haue the accion. Otherwyle is of iotenantes. If the husbande hath a seignorie in the righte of his wyfe / & the tennant esse / and after the husbande dyed / the wyfe shall haue the Cessant.

H. 10.
E. 3.

¶ In a Cessant / the tennant sayd that he hath declared in the ryghte of his church / in the wrytte is nat comprehended: quod clamat esse ius eccle sue / & therefore he demaunded iugement / but the plee was nat allowed: for that / that the Abbot shall nat make title in this writ: for that / that it is gyuen by the statute.

M. 33.

H. 6.

M. 17.

E. 3.

H. 10.

E. 3.

¶ Note ye: by Prolout / that a Cessant lyeth of supt of courte if the lord hath a courte / if nat the tennant may alledge that.

¶ A Cessant was maynteyned by

Natura brenium . No. 207.
an Infaut: for that / that it is gyue
in place of auowre / natwithstādyng
that it be a wytte of ryghte in his
nature.

Note ye : that a Cessant lyeth **L. 19.**
nat for the donour agaynst the done **L. 3.**
but if lande be gyuen in taylor the re
maynder ouer in fee / the chyeft lord
shall haue a Cessant agaynst the te
nant i taylor: for that / that the lord
shall nat be barred by the acte of a
straunger.

**A wytte de Cessant per biennium
de feodi firma.**

R Ex viē salutem. Precē A. q. &c.
reddat B. unū mess. cū ptiū in
R. qd idē B. eidē A. dimisit ad
feodi firmā reddēdo inde p annū eidē
B. tertiā ptē seu valorē mess. pdicti.
Et q ad ipsū reuerti debeat pformā
statuti. &c. inde prouis. & q pdict⁹ A.
in solutione firme pdictē p biennium
iam cessauit: vt dic. Et nisi. &c. A. &c.

**A wytte
de Cessa
uit p biē
nium de
feodi fir
ma is su
che.**

**This wytte lyeth where a mā
gyueth certayn lāde i fee simple**

Natura breuium.

or in fee taylor payng to hym & to his
heires a fee ferme by yere that is to
say rent/or to fynde to hym & his hey
res Estouers/or clothigc/the which
charge so reserved to hym & to his
heires amounteth to the valure of
the fourth parte at leest/or more/as
to the thyrde parte / or to the halfe/
or the very valure of the lande or te
nement so charged/ than if the sayde
fee ferme be nat payed by two hole
yeres/noz that he may nat fynde di
stres in the sayd tenementes within
the sayde.ii. yeres / than shall he or
his heyre recouer agaynst the tenat
by the forsayde writte. And note ye:
that no man may distreyn for these
charges but where those tenementes
are gyuen in taylor as afoze is sayde/
or that they were gyuen in fee sym
ple afoze the statute of *Quia empto
res terrarum*. &c. for if tenementes be gy
uen in fee symple after the statute
afoze sayd/a man may nat distreyn
And note ye: that the heyre shall nat
haue this writ by cause of suche char
ge bychynde in tyme of his aūcestour
And the ptes is in this writ graūde

Natura breuium. No. 208.

Cape / and petit Cape.

A writte de Cessauit de cā-
taria per biennium .♦♦

Rex viē saltū. Prez Johi ab-
bati de R. q reddat B. unum
mess. cū ptiū in R. q A pater
pdicti B. cuius heres ipse est dimisit
C. quondā abbati & sucē suis abba-
tibus de R. pdicta ad inueniendum
quēdam monacum pro animabus p-
dicti A. & heredē eiusdem A. in abb. de
R. pdictū diuina celebrant. Et qd
ad prefatum B. reuerti debet per for-
mam statuti de cōmuni consilio R.
nri Anglie super huiusmodi dimissio-
ne prouisū: eo q pdictus Johānes
inueniendū pdictum monacum per
biennium iam cessauit: vt dicit. Et
nisi fecerit. &c. Teste. &c.

A writte
de Cessa-
uit de cā-
taria p
bienniu
is suche

This writte lyeth where a mā
gyueth landes to any house of
religion / or booly church to
fynde for the soule of hym & his an-
cestours / & his heyres a candell or lā-
pe before any ymage in the church
Natura. JJ. i.

Natura breuium

to burne for a certayne tyme / or to
make any almes. vt̄s as to clothe or
fede certayne poore people euery ye-
re / or to make diuine seruice in any
chapell for theiꝝ soules. &c. vt̄s. thā
if the sayde charges be nat made / &
that a man maye nat fynde distresse
vpon the grounde by .ii. yeres thā he
or his heires shal haue the sayd writ
after the sayd .ii. yeres past / agaynst
who so euer that is tcnant after the
Tcellour. And note ye / that these
writtes aforesayde maye be made in
the per / Cur / or post but I bpleue
that this writ may nat be made but
in the fyfthe degree. And the proces
is as afoze is sayde.

Proces

Addition.

Ed. 7.

R. 2.

In a Tcellant agaynst a preest
of a chauncery / supposing that he hol-
deth the same tcnementes of the wyfe
of the demaundant by the seruices
to syng euery soday in the yere mas-
se & matyns / & that he & all his pre-
decessours hath holden the sayde te-
nementes by suche seruices / tyme
out. &c. the whiche landes to them

Natura brenium. fo. 209.
ought reuert/foz that / that he hath
ceded by .ii. peres/ & foz that/that the
statute is / qd cōpetat accio donatoxi
aut eius heredi / & that he hath nat
declared that it was donour / or of
whose gyfte he holdeth the lande/
the writte was abated.

**A writte de contra forma
collationis .**

Rex viz salutē. p̄reſ A. abbati
de M. q. ec. reddat B. vñ
mell. cū p̄tūm p̄. qd cide
donum collatum fuit in liberam ele
mosinam per p̄dictum B. Et quod
per alienationem p̄ p̄dictum abba
tem contra formam collationis
p̄dictę inde factam in feodo ad p̄c
fatum B. reuertī debet per formam
collationis p̄dictę. ut dicit. Et nisi fec
ut supra teste. &c.

**A writte
de Con
tra for
ma col
lationis
isliche.**

This writte lyeth where a mā
gyueth landes or tenementes/
or ret to any Abbot or prior of
any house of religiō/ or holy churchē
to haue & holde to hym and to his
Natura. ff. ii.

Natura breuium

Successours in pure almes or other
wyse to fynde certayne pooze people
or to make certayne deuine seruice
as afore is sayde in the writte de Res
saut de cantaria/ thā if the sayd Ab
bot or prior/ or any of his successours
make a feoffemēt with assent of the
sayde tenementes/ to the disheryson
of the house or churche/ as for terme
of lyfe of the lesse / in taylor/ or in fec/
he that so dyd gyue the sayde tenc-
mentes or his heyre shall haue the
sayde writte agaynst the suffrayne
of the sayde house or churche that
made the feoffement / or agaynst his
successour / if the feoffour be deed / &
nat agaynst the feoffe that is tenāt
of the lāde / as it appereth by the sta
tute of westm. 2. Ca. 41. whiche be-
gynneth. Cum statuit dominus rex
ec. & whan he hath recouered agais
the Abbot / than shall go a writte of
execucion to the sheryfe to delyuer
seison of the lande. And the proces
is Homons/graūd Cape / and petit
Cape.

Proces

H. 20.

E. 3.

Addition.

Note y^e that if anowson be gr-

Natura breuium. fo. 210.

at to an Abbot in fee almes/ & graue
the sayde auowson/ at the next auoy
dauce the donour or his heyres may
present / for that / that he maye nat
haue a contra forma collationis.

And note ye: that whā he hath
recovered agaynst an Abbot in this
writte/ & hath a Scire facias agais
the tenant/ he may traaverse the ac
cion of the demaundant in the same
poynt that was tryed afore betwixt
the Abbot & the lorde / for that / that
this recouere byndeth no straungers
but pzeues/ as in other cases.

H. 23:

E. 3.

A writte de forma donationis
in le descendre.

R Er videlicet saltem. Et A. q. in se.
et reddat B. unum messagium
cum ptiū in A. quod A. dedit
B. & E. broz eius & heredum de cor
poribz ipsorum B. & E. erectibus. Et
q. post mortem dictorum B. & E. pre
fat B. filio & heredum predictorum
B. & E. per formam donationis pre
dict descendet debet: ut dicit. Et nisi
fecerit. et tunc.

A writte
de forma dona
tionis
en le dis
cendre
issuete.

Statuta b[e]n[e]dictum.

This wyte lyeth in case where
a man gyveth certayne lades
or tenementes / or rent in fee
marriage / that is to say to a man with
his colyn in marriage / or to a man &
his wyfe & to the heyres of theyr .ii.
bodies begoten / or to a man & to his
heyres of his body begoten (males /
or females) if that man or woman to
whome the lande is so gyven hath
synne of his body dyed / & a strainger
abate / or if the donec make a feoff-
ment of those landes by synne or with-
out synne / or if he be disseysed of those
tenementes / or if a man those reco-
ver by default in the kynges court /
than after the deeth of the same man
to whome the lande is gyven / his
heire of his body begotten shal have
the sayde wytte. And note ye: that
tenementes in suche maner gyven are
called tyled lades. And note ye / that
the heire of suche tenementes shal never
have other wytte of the possession of
his ancestor / than the sayd wyte / but
of his owne possession / he may have
writ of no. vill. or a writ of d[e]r b[e]n[e]d
disseysed accordyng to his case / & the

Natura huiusmodi. Fo. 211.

formedone in the disceder is the writ
of ryghte to the heyre in taylor. And
note ye/ that it is good barre in the
sayde writ to pleade the feoffment of
the auncestour with a warrāt / & that
the tenaūt wyl haue that the heyre
hath assēs by discēt in fee simple nat
withstādyng the statute of mortm. 2.
Ca. 1. whiche begynneth. In primis
de tenementis. &c. if the heyre in the
taylor hath assēs by discēt vt supra / &
he hath issue & make a feoffment of
the assēs that is in fee simple / & dyed
though that his father had assēs by
discente & was barred / this heyre
shall nat be barred / for every heyre
in the taylor is pyue to recover the
landetayled except that he hath ad-
uantage by discēt in fee simple. O-
therwise is where a man maketh a
feoffment of the lande that he hath
in the right of his wyfe in fee simple
that he holdeth by the courtseye and
dyed / & the value in fee simple disce-
deth to his issue that is heyre to the
wyfe / though that the heyre sell the
fee simple after / and hath issue
and dyed / that issue shall be bare

Natura breuium.

ced to demaunde of the seyson of his mother/for that/that his father was barred at one tyme. And note ye/ that if the father tenaunt in taylor in possession entre in religion & be professed his heyre shall haue the sayde writte/ & it shall say thus: Post q̄ pater suus habitum religionis assumpsit &c. but if the father make a scoffement afore the entre in religion / the sone shall nat haue the sayde writte duringe the naturall lyfe of his father And it is sayde that if the tenaunt in the taylor dye without issue of his body/so the lande is reuertible to the donour/ yet the wyfe of the tenaunt in taylor shall haue her dower. Also it is sayde if lande be gyuen to a woman & to her heyres males of her body begotten/ if she take a husbande/ & hath issue female/ & the wyfe dyed/ the husbande shall nat holde by the courtshipp for that / that it is impossyble that the yssue female shall enheryte / but if lande be gyuen to a man & to his heyres males / it is sayde that if he hath issue male & dyed that yssue hath the symple. And note ye/ that a

man shall lay the takynge of the profits in a forme done in the discenter onely in the pson of hym to whome the lande is gyuen in the taylor / and the demaundaunt in this accio shall make hym selfe heyre to that aunccestour that was laste seysed. And note ye. that if tenaunt in taylor hath issue a sone & a daughter by one woman / & a sone by another woman / & dyed / the sone by the fyrste womā entreteth & dyed seysed / the sone by the seconde woman shall heyre / & nat the daughter / for he is more worthy of blode / & more nere heyre to the father to whome the lande was gyuen / other wyse is of lande in fee symple. And note ye here / howe the demaundaunt may maiteyne the sayde wyrt where the tenaunt pleateth / that the donour dyd nat gyue. &c. the demaundaunt may saye / that he shall nat haue his auerment / for one J. M. impleaded my father / & he vouched the same. J. & entred in to the warrant / & pleaded & lost the same lande that now is in demaunde iugemente. &c. And note ye / that in a forme done in the

Natura brenium
Discender a warrant of any of the an-
cestours by whome the heyr made
his conueyaunce is no barre/ except
that he hath lande in fee simple dis-
cended to the value.

*** Addition.**

P. 8.
E. 3.

Land was let for terme of lyfe/
the remaynder in taylor/ the tenant
for terme of lyfe dyed / & the tenant
in taylor hath yssue & dyed / & the issue
bryngeth a forme done / in the disce-
nder / & allegeth no esple in the do-
nour / but in the tenant for terme of
lyfe / & after his deeth in hym in the re-
maynder in taylor / & the declaracion
was chalenged / for that / that he alle-
geth no esple in the donour / & that
exceptioun was nat allowed.

A. 18.
H. 6.

Tenant in taylor exchanged the
lande taylor for lande of fee simple (by
deede) & bounde hym & his heyr to
warrant / & hath yssue & dyed / & the
yssue bryngeth a forme done & the te-
nant pleadeth in barre the deede with
warrant / & the lande take in exchan-
ge by waye of assize / that was holde
no barre / if the heyr hath nat occur

Natura breuium. Ro. 213.

pyrd thel aſe take in exchaſge after
the deth of his auncetour.

☞ The tenaſit i taylor afore the ſta
tute made a leaſe for terme of lyfe/ &
releaſed afore the ſtat that is a barre
to his heyre.

H. 44.

E. 3.

☞ In a formedon of rent/the war-
rant of the auncetour with aſſes is a
good barre/ yet the rent lyeth nat in
diſcontinuaunce but at the wyl of the
yſſue/ but it is the foly of the yſſue to
brynge his accion.

H. 33.

E. 3.

☞ Note ye: that if the wyfe tenaſit
in taylor take a huſbande/ and haſhe
yſſue & afore the ſtatute they bothe
make a ſcoffement in fee of the lades
and dye i a formedone the heyre ſhal
nat be barred / otherwyſe is if it had
ben by fyne.

R. 4.

E. 2.

☞ A formedone in the diſceder was
brought of a knyghtes fee / and the
writte was chalenged/ for that/ that
the fee lyeth nat in demene / for he
hath declared that the auncetour
was ſerfed as of fee & of right/ & ſayd
the cſples/ as in homage/ eſcuage/ re-
lyfe/ ward/ maryage/ & other maner
of yſſues of knyghtes fee/ as of fee &

R. 16.

E. 3.

Natura breuium .

of righte / & Berforde sayd that a comon to a certayne nombre of beastes nor auowson lyeth nat in demeane but a p̄cipe q̄ reddat / & a wytte of righte lyeth of a knyghtes fee / and by demaunde of a knyghtes fee I shal recouer be chaunce. xx. li. of rent. &c. & it was sayd that he shal neuer haue other wytte.

**A. 19 .
E. 2 .**

In a formedone the wytte was chalenged / for that / that it wyl that A. & B. his wyfe hath gyuen / exception was take / bycause that the gift of the wyfe is voyde durynge the marriage / & Herle sayd that if the wyfe after the deth of her husbände had confirmed the gyfte that was made by her & her husbände / that the gyfte was made stedfast / & the wytte was awarded good. A formedone was brought by J. B. & J. his wyfe / as was sayd whan the sone is seysed after the deth of his father the wytte shalbe. Et que post mortem p̄dcoz J. & W. fil & heres p̄dci J. p̄fato. B. &c. so that they are seysed euery one shal be made heyre to other / but whan they were nat seysed the wyte

Natura brcium. fo. 214.

halbe. Et que post mortem predicto-
rum J. et W. filie.

In a forme done in the disceder/
by assent of the ptyes a dede was the
wed to proue the giste / & it was such
Sclant. &c. q. ego hugo Blont dedi
coressi. &c. hugoni Blont filio hugo-
nis B. & filius suis masculis de corpo-
re suo legitime procreatis maneriu
de B. &c. habendu & tenendu maneriu
predictu sibi & filius suis masculis de
corpe. &c. de capitalib⁹ dñis. &c. Et
quis eorum diucius vixerit gaudebit
in feodo & hereditate imperpetuum.
Et si contingat predictu hugone sine
herede masculo de corpe suo legitti-
me procreato obire quod extunc mane-
rium predictu. &c. mihi et hered⁹ meis
revertatur imperpetuum / & vpon this
dede it demurred in Jugement if the
done hath fee symple / or fee taylor / &
the opinion of the courte was that
it was a good taylor.

A wrytte de forma donationis
en le remaynd^r.

Ex vic saltm. p^ret A. q. &c. red
dat B. unu mesuagiu cu ptu isluce.

T. II.

R. 2.

A wrytte
de forma
donatio-
nis en le
remaynd^r
isluce.

Natura breuium .

in A. qđ E. dedit D. & heredū de corpore suo ercūt. Ita qđ si idem D. sine heredē de corpore suo ercuntis obiret predictum mesuagium p̄fāt B. et heredē suis remaneret. Et post mortē predicti D. p̄fāt B. remanet debet formam donatiōis p̄dictē qđ eo p̄dictus D. obuit sine heredū de corpore suo ercuntis: vt dic̄. Et nisi fec̄. &c. Teste. &c.

This writte lyeth where lande or tencment is gyuen for terme of lyfe or in taylor to a mā / & for default of yssue of his body to remaine to another man as afoze is sayde / in fee / or for terme of lyfe / thā if the tencant for terme of lyfe dye / or the tencant in taylor dye without issue of his body / & a straūger entre / he in the remaynder shall haue the sayde writte. And in case that the remaynder be graūted in taylor & he in the remaynder dyed seyled by force of the remaynder / the yssue of hym in the remaynder shall haue no other writ but a writte of forme done in the descender / but if he in the remaynder

Natura breuium.

fo. 215.

was neuer seysed/the yssue shal haue
a forme done in the remaynder & nat
in the discender. And it is sayd wher
lande is let for terme of lyfe/the re-
maynder ouer / and the ternaunt for
terme of lyfe is impleaded/& vouches
to warrant his lessour. &c. & the te-
naunt for terme of lyfe recouers other
lande in value he in the remaynder
after the deth of the ternaunt for terme
of lyfe shal recouer by a forme done
in the remaynder those landes so re-
couered / as well as if the ternaunt for
terme of lyfe had continued his estate
in those landes recouered agaynst
hym/for that/that the ternaunt for ter-
me of lyfe recouered to the value by
the same taylor vpon whiche the re-
maynder was taylor. Other wyse is
of a reuercion/for that/that he hath
recouered vpon another dede than vpon
that dede by which the reuercion was
graunted/but if that ternaunt had vouch-
ed hi to whome the reuercion was
graunted by cause of the reuercion/& he
had vouched ouer the lessour / & had
recouered to the value/the reuercion
shalbe to hi to whome the reuercion was

Natura brenium
graunted & nat the lessour. And note
ye/that if tenaūt in taylor make a fe-
offement with a warrant / or release
with a warrant / & dye without heyre
of his body / so that he i the remayn-
der is heyre to hym / he shalbe barred
without discēt of assēs / for that / that
this warrant is nat restreyned by
the statute. Also if the tenaūt for ter-
me of lyfe make a feoffement with
warrant or release with warrant /
& dye without yssue / so that he in the
remaynder is heyre to hym / in a for-
medone in the remaynder he shalbe
barred by the dede with warrant / ex-
cept that the warrant be defered in
the lyfe of the tenaunte for terme of
lyfe.

Nota.

And note ye / that after the vicar
the tenaūt shalbe receyved in a for-
medone in the remainder to demaūde
what he hath of the remaynder / & ex-
cept that he hath writtynge and the
shewe / all tymes hangynge the plee
he shalbe barred / & yet the tenaunte
may take no yssue bpō the dede / but
ought answer to the gyfte / & if the
sayde writte be broughte by hym to

Natura breuium. fo. 216.

whome the remaynder was taylor
after the deith of the tenant for terme
of lyfe / if he demaunde see simple / or
see taylor / he ought to lay the espleys in
the persone of the donour / as of see
simple / & in the person of the tenant
for terme of lyfe as of see holde / but
if he demaunde by remaynder but for
terme of lyfe he shall lay the espleys
onely in the perso of hym that made
the deed.

Addicion.

☞ If a remaynder be taylor to a **B. 29.**
woman / & she take a husbande / the **B. 6.**
wyte shall be: Remaunde debet / to the
husbande & to the wyte / & so is of a
formedone in the reuertour / but in a
formedone in the discendz it shall be
to the wyte onely.

☞ In a formedone i the remainder
the tenant demaunded what he had
of the remaynder / & so the other sayd
that he broughte assise of no. dis. of
the same landes / & the tenant in the
assise pleaded i barrre / & he made title
of the same gifte / and the gifte was
foude / the demaundaunt was iudged

Natura.

B. 1.

Natura breuium.

person able by that recouere to mai-
teyne this accion without shewyng
other dede / & yet the pleyntye toke
nothyng by the assise / for that / that
it was folide that the pleyntye was
nat dysseysed.

An. 36.
B. 6.

¶ In a forme done in the remayn-
dre / the ptye neede nat shewe no dede
vnto the partye demaunde what he
hath of the remaynder / but if excec-
tours brynge an accion they ought
to shewe the testament without des-
pye of the partye defendaunt / for the
courte shall nat holde pice / excepte
that the testament be shewed / & that
in dette.

**¶ A writte de forma donatio-
nis en le reuertis.**

A writte
de for-
ma dona-
tionis ele-
reuer-
tis is-
sue.

R Ex viē salutem. ad rē A. q. tē
reddat: B. unū meū agiū cum
pertinē in fr. quod E. pater p-
dicti B. cuius heres ipse est dedit D.
& J. uxori eius / & herediū de corpori-
bus suis creunt. Et quod post mortē
ipsorum D. & J. ad p̄fatū B. reuer-
tetur per formā donationis p̄dictē
eo q̄ p̄dicti D. & J. obierunt sine her-

Natura breuium. fo. 217.
redibus de corporib⁹ suis exiunt ut
dic. Et nisi fec. &c. Teste. &c.

This writte lyeth where lades
oz tenementes is are gyuen
in the taylor as afore is sayde/
if the ternaūt dye without yssue wher
there is no remaynder/ & a straūger
entre in the sayde tenementes / the
donour oz his heyre shall haue his re
couer by this writte. Note ye / that
this writte lyeth after the deth of no
tenaunt / but after the deth of ternaūt
in taylor. And note ye : that in this
writte the esples shall be layde i the
person of the donour / and in the per
son of the done. And the proccs in
these.iii. writtes is **Donor's / graūde**
Lape & petit Lape. **Proccs**

An Addition.

In a forme done in the reuerſet/
the ternaunt sayd / that the gyft was
made to the done & to his heyses / &
assignes iugement of the accion / &
that was holdē no plee without tra
uerſinge the gyfte.

In a forme done the reuerſet / the

Natura.

B.B.ii.

T.2.

E.6.

T.17.

E.3.

Natura breuium.

T. 33.
E. 3.

tenaunte sayde that the gyfte was made to hym to whome ye suppose the gyfte in fee with warrāt iugemēt if contrary the dede. &c.

M. 18.
E. 2.

Note ye: that if the donour hath yssue. ii. sones / & the eldest dye without yssue in the lyfe of the father & after the father dyed / if the longest sone brynge a forme done in the reuertour / he shall nat make mencion of his brother / excepte that he succeeded his father.

A writte de particione faciēda .*

A writte de particione faciēda is luche.

Rex viē salutē. Si A. fec. &c. tūc sum. &c. B. quod sit. &c. tali die ostēsum. Quare cū idē A. & B. in simul. & pro indiuiso tenent quēdā boscum in p. cum pectiū de hereditat: que fuit J. patris predictorū A. & B. cui⁹ heredē ipsi sunt in p. idē B. partitionem inde inter eos secundū legē & cons. regni nostri Anglie faciēdam contradicē & eam fieri non permittit min⁹ iustis: vt dic. Et habcas ibi. &c. Teste. &c.

Natura bzeuim. Jo. 218.

This writte lyeth in case wher
a man is scyfed of landes & te
nementes in fee / & hath two
doughters & dyed / or scyfed of lande
in Gauekynde & hath ylluc. ii. soncs
& the one wyl nat make pticion of
the lādes so discēded / the other that
wyl make perticion / shall haue this
writte agaynst her / or hym that wyl
nat / for that / that they are heyres to
the sayde man ioyntly. &c.

*** Addition.**

¶ In a pticione faciendū agaynst A. 39.
T. & A. his wyfe of lande that disce
ded to the as colyns & heyres to one B. 6.
K. the tenaūt sayde that K. in his
lyfe infeoffed one J. i fee whiche J.
infeoffed the forsayd T. in taylor with
out that / that the pleityfe & A. wyfe
of the sayde T. helde in comon or vn
deuided the day of the writ purcha
sed / or cuer after / and this is a good
barre.

¶ In a pticione faciendū of lande M. 4.
& rent / the tenaūt sayd that the aūce B. 7.
stour infeoffed a straūger of the lāde
whose estate the tenaunt hath / & as

Natura breuium.

to the rēt/ he sayd that he was sole te
naūt/ without that/ that he holdeth
vnderuēd / & the plec was chalēged
in so moche that he is no title to the
lande by any feoffmēt ne other title
& shalbe intended tēnaūt as the writ
supposeth / & the oppnion was that
the plec is good.

M. 3.

E. 4.

☞ Note ye/ that it is sayde/ that te
naūt in cōmon ne ioyntēnaunt shal
nat be cōpelled by the lawe to make
pticion/ but if it be made by agreēmēt
it is good as well without dede as
with dede.

M. 8.

E. 3.

☞ A writte of pticione faciendum
brought by the husbāde & the wyfe
agaynst the other pccener / & decla-
red howe the husbāde & the wyfe as
in the right of the wyfe / & the other
pccener helde in comon certayne lāde
& conueyed the discent from the com-
mon aūcestour .&c. the pccener came
by Bardeyn/ for that / that she was
within age / & might nat deny that
they helde in comon by the maner/
but Herle sayd/ that he could se how
the partition can be made longe as
she is within age by writ/ but out of

Natura breuitum. Fo. 219.
the couerte it maye well be as in the
couerte: for that/that the maye defet it
whan the wyll.

¶ A wytte de p̄munice faē.

Rex hie Cantuar. salutē. Cū i
statuto in p̄liamento dñi regis
Anglie sc̄do ap̄d wint̄. Anno
regni sui. 16. cento edito inter cetera
ordinatū sit & stabilitū: q̄ si aliquis
impetrauerit / aut p̄secutus fuerit
seu ipetrari vel p̄sequi fecerit in Cui
Rom̄ vel alibi aliquos p̄cessus suas
excom̄unicationū bullas instrum̄ta
vel alia qucumq; que tangunt nos/
coronam regaliā / seu regnum no
strum & illi qui ea in dñm R. nostrū
detulerint / aut ea receperint / vel inde
notificationem / seu aliam executio
nem quancunq; infra idem regnum
nostrum seu extra fecerint: ipsi no
tarii / procuratores / manutentores
abiectores / fautores / & conciliarii sui
extra p̄tectionem nostrā ponan
tue: et terre / tenementa / bona / & ca
talla sua sit nobis forisscā. Et q̄ ipsi
p̄ corpora sua attachientur si poterit

A wytte
de p̄cs
munice
faē is su
che.

Natura breuium.
Inuenietur coram nobis & concilio nro
ducantur ad respondendum ibidem super
casibus supradictis vs processus fiat
versus eos p preiudicium fac modo quo
ordinatum est in aliis statutis de pui-
soribus & aliis q in alienis cut in de-
rogationem regalie nre psequuntur
put in statuto predicto plene conti-
net. Jamq ex graui querela W. de E.
acciperim: q licet cognitiones pfito-
rum transgressionu contempn alio-
rumq laicor contractuum quorum-
cunq infra R. nostru Anglie quali-
tercuq fact & p petrat ad nos / coro-
na & dignitate nras specialiter pti-
neant. Quidem tamen Robertus C.
nup de W. in conu tuo clericus prepo-
situs ecclesie collegii W. in conu tuo
tutu predictum minime ponderans
machians nos & coronam nostram ex-
hereda & cognitione hmoi pfitorum
detransgressionibz q ad nos & coro-
nam nostram sic ptinet ad illud examē
extra regnu nostru pdictum trahere
& predictu W. ac alios de subditis no-
stris indebite pregrauare & aduersu
curiam conu se diuertebat / & ibidem
absq licētia nostra adhuc residet atq

Natura breuium. Fo. 220.

¶ plures pcessus sentētiās & citatio-
nes: versus ipsum W. ad ipsum W. ac
alios de subditis nostris p̄dictis ex
trañ nostrū p̄cedē trahendū ad res-
pondē p̄fato p̄posito in deā cū com-
extrañ n̄m Anglie de quibusdā trās-
ḡt sibi: vt diē illatis ac q̄ plura alia
nobis & corone n̄e p̄iudicialia ibi-
dem p̄secut⁹ fuit eaq; p̄ J. B. nup̄
de L. Ben̄ apud W. p̄onūciari/pub-
licari/notificari & execuē de mandari
fecit & fieri p̄curauit in n̄i contēptū
& p̄iudiciū & ex heredationis corone
n̄e piculū manifestū/ & ipsius W. dā-
num non modicū & grauamen/ ac cō-
tra vim formā & effectū statuti p̄dicti
Nos statū illud inuolabit obserua-
ri/ & illud impugnantes iuxta eorum
demerita castigari volētes & puniri.
Et quia p̄dictū W. fecit nos secū de-
clam suo: p̄oc p̄ A. B. C. D. de J. ti-
bi p̄cipim⁹ q̄ p̄ bonos & leg. hoēs de
balliua tua p̄muniē fac̄ p̄fat p̄positū
& J. B. p̄ocuratozē/ manutentozem
fautozē/ cōsiliariū/ auxiliatozē / & ab-
iectatozē ipsius p̄positi in hac p̄te: q̄
tunc sint coram nobis a die pascho-
in. 15. dieb⁹ vbiq; tunc fuerim⁹ in

Natura breuium.

Anglia ad respond tam nobis de con
ceptu & piciudicio predicto q̄ prefato
w. de dampnis & iniuriis sibi in hac
parte illatis. Et ad faciendum vlti
mus & recipe q̄ cum nostra considerat
in premillis. Et habcas ibi nomina
corū: p̄ quos eos premunit fec̄ & hoc
breue/nos de die & loco: quibus dictā
premunicionē sibi feceris sub sigillo
tuo distincte & aperte tunc certificās
et. Teste. et.

This writte lyeth where any
prouisor sueth proccs to the
court of Rome agaynst the p̄
sente of the kyng/or of any other pa
tron /thā the presente of the kyngc/
or other patrō shall haue this writte
whiche shalbe directed to the sheryfe
cōmaundyng hym to warne the pro
uisour/that he disturbe nat the p̄sēte
of the kyngc /or of any other patron
Also these prouisors/procuratours
& notares shalbe attached by theyr
bodies / & put in pryson vnto suche
tyme that they haue made fyne & ran
some to the kyng/& grce to the p̄tye.
And after that they haue made ran

Natura breuium. . . . **¶ 221.**

Some/ & grete yet afore that they be de-
lincred/ they shall fynde suerte / that
they shall nat sue by them selfe ne by
other in the court of Rome ne other
places for suche imprisonment/ and
ransome. And if those prouisors/
attourneys/ executours / procurators
notaries may nat be foude/ than the
exigent shall be awarded agaynst the
& a writte shall go to take theyr bo-
dys as wel at the suyt of the partye
as of the kyng/ & in the meane tyme
the kyng shall haue the profites of
the sayd benefice so by suche prouis-
ours occupied excepte of abbasse /
prouours/ & other houses that hath col-
lege/ or couent. And that is gynn by
the statute de An. 20. E. 3. in the mid-
des. Take more of this matter in the
last capitre of the same yere. And
also i the .27. yere of the same kyng.

¶ Addition.

☞ Note ye/ that a Quare impedit
brought by the kyng/ & be declared
that the defendaut hym disturbeth/

¶ 221.
¶ 222.

Natura brenium.

by prouision to the adopc that nob
is/are at pssue vpon that poynt / &
founde for the kpyge / yet the iuge-
ment shall nat be gyuen accordyng
to the statute / nor the pty shall nat
haue the payne that is gyuen by the
statute / but it is great euicens in the
other wytte broughte it vpon the
statute.

An. 36.
D. 6.

¶ Note ye / by the oppynion of many
a man may haue this writ agaynst
one / as procuratour / agaynst a no-
ther as counsellor / & agaynst the thyrde
as attourney / & the damages shalbe
taxed severally.

M. 5.
E. 4.

¶ In this writ / some made defaute
& some appered / & for that / that the
writte was nought it was abated / &
no iugement gyue agaynst them
that made defaute. And the statute
is / in curia com de alibi / the whiche
alibi / is to entend in the Bishoppes
court / for if a mā be suyd there for a
thyng that belongeth to the comon
lawe / he shall haue a pmunire.

D. 9.
E. 4.

¶ And note ye / that it hath be opi-
nion of many / that if a clerke sue a
worshipful clerk / or other man in the

Natura brenium. Fo. 222.

court of Rome of a thyng spiritual
where he may have remedy of that
in this ordinarie court within the
realme / that is within the statute/
but I beleue that it is no lawe. If a
lord in court baron holde plet of det
of xl. s. or above whiche oughte nat
to be demaunded but in the kynges
court / it is sayd that the lord shalbe
in case of a premunire.

¶ A writte de Quare ei defor.

Rex viē salutē. Scit A. q. sc. A writte
reddō B. vnu mess. cū ptu i p. de Qua
qđ clamat esse ius dotationis re ei de
bili dote sua vñ qđ clamat esse ius ad forē is
maritagiū suū: vel qđ clamat tenere suchē.
sibi & heredē de corpore suo creunt: vñ
qđ clamat tenere ad terminū vite sue
& qđ idē A. ei deforreat. Et nisi qđ nō
dicatur iuste deforreat / quare iuste
nō habetur in statuto. Nota qđ p te
nere per legē Anglie nō cōtinetur i
statuto sicut alibi potest manutere p
illud statutū in cōsimili casu.

¶ This writte lyeth where tenet
in taylor / frāke marriage / doct

Natura brenium.

Courtclye / tenañt for terme of lyfe /
for terme of another mans lyfe los
seth by default theyr lādes / than the
selfes shall haue this wyrt agaynst
hym that recouered / or agaynst his
heyr / or agaynst what pson so euer
be in the tenañce. And note ye / that
this wyrtte in his nature is a wyrtte
of righte for the forclayd tenañtes
for a wyrtte of more hys nature thā
this may they nat haue for theyr te
nemētes. And note ye / that this wyrt
lyeth for no other pson but for hym
that lost the sayd lādes: And is gūē
by the statute of westm. 2. Ca. 3. in
the ende. And the proces is / **Homōs**
graūde Cape / & **petit Cape.**

Proces

Addition.

R. 21.

E. 6.

Note ye / that vpon a recouere
by default in a wyrtte of waste a **Quod**
et deforē lyeth nat / but a wyrtte of
disceyte.

R. 4.

E. 3.

If lande be let to a woman sole
for terme of lyfe with a warrante / &
she taketh a husbāde & they lose by
defaute a **Quod et deforē**. lyeth nat

Natura brenium . No. 223.

durynge the lyfe of the husbāde / for
the wytte supposeth that they haue
lost where the husbāde hath nothig
but by reason of his wyfe so was nat
he ternaunt for terme of lyfe / and also
they shall nat haue the voucher / for
the wytte supposeth **Quod clamāt**
ad vitam of the wyfe / in whiche case
the statute gyueth no suche vouchers
but where the ternaunt by the **Cour-**
tesye / in taylor / or for terme of lyfe
lose. &c. and the husbāde is none of
those. But in this case the wyfe shall
haue a **Cum vita** after the dethe of
the husbāde / but if they had had a
iointe estate than the **Quod ci de-**
forē lyeth.

¶ A man hath yssue .ii. soncs / & is
seised of lande taylor in **Haulkynd**
that is partable betwixt heyres ma-
les and dyed / and they entre and lose
by default / they shall ioyne in a **Quod**
ci deforē / and the wytte shall be / **quod**
clamant tenere sibi & heredum de cor-
poribus eorum .&c. and yet it is im-
possible that they shall haue yssue be-
twixte them.

¶ And note ye that the demandant

Ex. 46.

E. 3.

Ex. 29.

E. 3.

111.07 Natura breuium.

Shall nat declare of whose gyfte / nor
the tennant shall nat haue heyringe
of the recorde / if a mā recover by de-
faute in a Shire sae. but of a fyne a-
gaynst tennant in taylor / & he brought
a Quod ei defozt / & the other main-
teyned the title of his fynt wite / the
tennant in taylor may vouch / & yet
in the Shire facias nisi. no vouchet
lyeth. &c.

¶ A writte de warrantia carte.

A writte
de war-
rantia
carte is
suche.

Ex viē salutē. &c. ¶ A. q. iuste
&c. warrantia. B. unum meū.
cum pūm in C. qd de co tenere
clamat & vnde cartā suā habet vt di-
cit: vcl sic vnde cartā C. patris / matris
fratris / sororis: & sic de singulis cuius
heres ipse est: vt dicit. &c.

¶ This writte lyeth where a mā
hath enfeofed me / in certayn
landes or tenementes with
clause of warrant / releaseth / or con-
firmeth my estate with clause of war-
rant / & the tennant is impleaded of
the same landes / or tenementes by

Natura b:ctium. 10.224.

a stranger / than if the tenant may
not vouch to warrant / he shal have
the sayde writte agaynst his feoffor
or his heire. And note ye / that if
this plece be nat begon durynge the
fyfteccion / the tenant shal be bar-
red for ever to have this writ. Que-
re. And the proces is in this writte /

Proces

Somons / attachemēt / & distress ut
finire / & if he come & pleade / & after
make default / thā shal go the grande
distress to the place of the petit Capei

Addition.

In a writte of warrant of Chas-
tous / the pleynthe declared that
the defendaunt hym infeoffed / and
that he was implicated / & he prayed
the defendaunt to warrant. &c. And
the defendaunt sayd that the pleyn-
the was not tenant the day of the
writte purchased ingement. &c. and
the pleynthe sayd that he is tenant
of the lande / & hath the dede of the de-
fendaunt / & that was allowed / but he
was compelled to say if he was te-
nant by the writte purchased. &c.

E.3.

E.4.

stille
much
stille
stille
stille

Natura.

10.1.

AS I. 2. Statute by common law
but if he had said at the first/that the
was seized by his warrant the day
of his writ purchased/that had been
very good to derogate the warrant.
If a man recover a warrant by
a writ of warrant of sherrifs/5
after he is impleaded in such an ac-
tion that he may vouch/ if he vou-
che not he shall not recover in value
by force of the deroyment of the
warrant/and it was said/that if te-
nant in tale of a rent charge release
the rent to the tenant of the land/
and the tenant make a scoffement
of the land with a warrant/the war-
rant extendeth to the rent for that
that the tenant was seized of the
land discharged.

237016
A writte
de Dicm
clausit
extremū
is suche

A writ de Dicm clausit extremū.
En dilecto e fidelisuo A. cense
toz suo i com. R. saltm. Doms
A. de B. que de nobis tenet in
capite dicm clausit extremū: ut ex
cepimus: vobis mandamus: qd eis
fieri et fieri de quibus idem A. de
B. fuit seisin in dominico: qd eis de
seisin in bellua tua dicqz ab eis sine
dolo capias in manum nostram / A.

Natura bicutum. fo. 225.

scilicet tibi saluo custodire faci: donec it-
liud tibi mandamus et per scripta pro-
bot et legal hominum de ballivatu
per quos rei veritas melius sciri po-
terit diligenter inquiras quantum tibi
est testis in. de. de. de nobis tenent in ca-
pite tam in dūco q̄ in serviē in dicta
balliva tua die quo abuit et quantum
de aliis / et per q̄ serviē / et quantum
tre et tēilla valeant p̄ annū in oib̄
critibus et quo die rem. q̄ abuit / et
quis propinquior heres eius sit et cu-
jus status. Et inquisitū inde distinge
et apte facit nobis in cancellat nra
sub sigillo tuo et sigill̄ eor̄ per quos
factū fuerit sine dilac̄ mittas et hoc
bene. Teste. etc.

This wytte lyeth by the sta-
tute of Henr. cap. vii. which
begynneth. Si aliquis heres.
etc. where a man holdeth his lande
of the kynges as of his crowne by
knighthes service and dyeth / be that
is his next heyre or any man for the
kyng may sue this wytte to the es-
cheitour of the same countie where
the lande lyethe / and he shall as-
quire who is his next heyre the

fo. ii.

Natura bꝛcūm
the quantite of the lādes & the value
in this writte is no pꝛoces / for it is
but a writte of office.

Th. 33.
Th. 6.

Note ye / that if it be founde by di
uers offices in dyuers countyes .i. i
one countye that the heyr is withi
age / in the other countye that the
heyr is of full age / that that is best
for the kynges halfe take & the heyr
shall have no traaverse to that.

44. li. al


If a man holde of the kyng by
homage & fealte for all maner of ser
uices & dyed his heyr of full age / &
due a diem clausit extremū & it is founde
afoze the eschetour that he holdeth
of him by homage fealte & .i. l. if he
his lyffe according to that enquest
he shalbe concluded durynge in his
lyffe.

An. 4.
Th. 7.

And note ye / that there is fyve
maners of enquestes ordeyned after
the deeth of the kynges tenaūt. One
is the diem clausit extremū & that
is immediate after the deeth of the te
naūt. The seconde is **Regium inqui**
rendo & that is where the eschetour

Natura brenium. fo. 226.

or the tenant in the Dicm clausit ex-
tremu dyed/or where the Dic clausit
extremu is nat returned. The thyrde
is: Que plura / & that is where any
lande is left out. The fourth is: De-
venerunt / & that is where the Barde
dyed. The fyfthe is Mandamus / &
that is after the yere.

 I wrytte de Etate probanda.

Rex cunctozi suo in com D. sa-
lutē. Quia W. de B. filius A.
de B. q̄ de castē nostro de B.
tenuit p̄ servitū multis dieat se plene
etatis esse & p̄t a nobis terras & tenē
sua q̄ fuit de heredi sua sibi reddi: per
q̄d volumus q̄ idem W. apud C. nat⁹
& in ecclesia eundem velle baptizatus
fuit: h̄c dē etatem suā p̄bet coram te
tibi p̄cipimus q̄ ad certos diē & locū
quos ad hoc prouideris p̄bationem
illam p̄ faciem t̄ā multū q̄ aliorū pa-
borum & legalū hoīm de ballina tua
p̄ quos p̄batio illa capi hēntas eta-
tis predictę melius scire poterit & in-
quiri copias / & p̄bationem illam de
capit nobis sub sigillo tuo & sigillis

I wrytte
de Etas
te pban
da / is su
che.

Willelmus
de B.
summus
scriba

Natura breuium
eorsu/p quos capf fuerit in dilatione
mittas/et hoc breue. Teste. &c.

This wytte lyeth where the
heyr of the kynges tenaunte
by the wyrt aforesaid is founde
within age/and whan he cometh to
his full age he shall haue this wyrt/
wherby he shall proue his full age/ &
this wytte hath no pces / for that/
that it is a wyrt of offyce. And note
ye that those of the chauncery holdeth
for lawe/that if the heyr sue his lan
des out of the kynges hādes/ which
was seised by reason of his nonage/
that he ought sue this wyrt in euery
countie where that he is founde with
in age/as it appereth. R. xx. Ed. iii.
And note ye/that euery one that pas
seth in this enquest shalbe of the age
of. xlii. yeres at the leaste / so that he
was of full age at the tyme that he
sueth the wyrtte was borne.

A wytte
de Quo
minus
is suche

A wyrt de quo minus.
Et sic saluam. Et tibi q nō
permittas B. fac bastum seu
distinctionem in basto ipsius

Natura breuitum. 10.227.

W: in R. quo minus A. rationabile
estouatum nisi in vasto illo habere
possit / sicut illud habere debet & solet /
ut dicitur & sicut rationabilit. &c. R. an
plus inde clamo. aud. pro defectu
iustitie. Teste. &c.

This wytte lyeth where a man
hath graunted to another Hus
bote or Haybote in his woo
des to take every yere / and he that
graunted may nat haue his reasona
ble Estouers / than the graunte shall
haue this wytt / & it is in the nature
of a wytte of waste: And the proces
is attachement and a distresse pemp
torpe: Note ye / that Husbote is cal
led certayne Estouers in another
mans woodes to amende a house.
And Heybote is called certeyn Esto
uers to amende hedges.

proces

A wytt de ad qd dampnum.

Recipiunt tibi q per scdm pro
probozum et legal hominum
de ballna tua / per quos re. veri
tas melius sciri poterit diligenter

A wytte
de ad qd
dāpnū /
is such

H. iii.

755.0 Natura brenting: in se
inquiras si sit dāpnū vel p̄iudiciū nō
sibi vel aliorū / si concedamus dilecto
nobis in xpo nro & fribus scilicet Johis
Yerlm in Anglia q̄ ipse unū totum
cū p̄tū in p̄. p̄ feoffamētū J. & unā
accā terre cū p̄tū in p̄. p̄ feoffamē-
tum B. q̄ eidem m̄ & f̄es de p̄dictis
J. & B. post statū n̄m de ius & tētis
ad manū mortuā non ponēdū edic̄ ad
quesierunt / & que occasione eiusdem
statuti nostri cepistis in manū n̄ram
tenere posuit eisdē magistros fribus
& succ̄dus in p̄petuū iuxta formam
feoffamentorum p̄dictorum / necne si
sit ad dāpnū vel p̄iudiciū n̄m vel
aliorū & quorum qualē & quomodo /
& de cuius feodo totum illud & terra
fuit / de quo vel quib⁹ teneant: & per
q̄d seruiē / & quantū valent per annū
in omnibus crit. Et si terras tenemē
ta p̄dictorū J. & B. si remanēt ultra
p̄dicta terras & tēta m̄o & fribus
p̄dictis sic adq̄s̄ suffic̄ ad seruic̄ & cōc̄
tam de p̄dictis tētis sic adq̄s̄ q̄
de tētis p̄dictis J. & B. retent̄ debūt
fac̄ & ad oīa alia inormia. &c. Et q̄
eidē J. & B. i assisa. &c. p̄ ut ad feoffa-
mentum p̄dictū poni consueuerūt.

Natura breuium. fo. 228.

Ita q̄ prima p̄ seoffamenta illa in ip̄
sorum J. & B. defectū magis solice
oncret seu grauet & inquis inde dif-
tincte & apte facta nobis in canē nra
sub sigillo tuo & sigillis eorū p̄ quos
factis fuerit sine dilacete mittas. Et
hoc breue: Teste. Rē.

This writte lyeth where a mā
sellet̄h or gynet̄h laude or tene-
ment to any house of religion
in mortmayn/ at the begynnynge it
is cōuenient that this writ be sende
to the eschetour of the same countre
where these landes / or tenementes
are/to enquerre the extēt of the lan-
des / & what p̄iudice shalbe to the
kyngē/ & to the chyef lordē/ if they be
solde to mortmayn. And whan the
eschetour hath enquered these p̄p̄n-
tes & other circūstaunces cōprised in
the writte/he shall retourne the writ
accoṛdyng as it is fōūde by the en-
quest/ & after that/he shall make fine
to the kyngē for the alienaciō of the
landes & tenementes. And than he
shall haue a Chartour of licence/ for
the statute de religiosis: wyl that no

3111012
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Statuta breuissimi

man shal sell lande or tithementes to
no man / ne no man shal take
landes in such maner / and if he do
the lande shal be leyed in the kinges
hande / as theye. Et vide Magna
Cart. cap. xxv. whiche begynneth /
non licet alieni. &c. and the statute
of westm. ii. cap. xxv. whiche begyn
neth. Cum viti religio. &c.

Abritte
de Quo
warr/is
suche.

A writ de Quo warranto.

Rex vobis salutem. Quia per bo
nos sumus A. q. sit coram Justic
iis apud westm. tali die officis
quo warranto tenet unum franci plea
gi in villa de A. in preiudicium hui
usmodi nri de B. sine licentia & volun
tate nra vt predecessores nri quon
dam regum Anglie. et emendas pro
fratris allese panis / & seruicie in eade
cepit in preiudicium nrm non modicum /
et grauamen: vt dicitur. Et habet ibi
sum / et hoc breue. Westm. &c.

This writ lyeth where a man
blaspeth certayne franchises
against the kyng / as to haue
warr / or warr / or warr / or warr

Statute byedman: fo. 229.

baron / or other such lyke without
good tyle / and without the kynges
lycence and that be presented afore
the Justyces in Eire / when they are
in those parties where such fran-
ches are usurped / than shall go the
fozsayde wytte for the kyng to the
Sheriffe / that he cause him to come
that hath usurped the franchises / at
a certayn day afore the same Justy-
ces / to shewe what warrant he hath
for hym / and if he may nat shewe a
good warrant / or that he come nat /
than the kyng shall take from hym
his franchises. And note ye / that
this wytte may nat be determyned
afore any Justyce / but the Justyce
in Eire / and no piores lyeth in this
wytte / but he shalbe warned upon
his paryll.

Addition.

Note ye / if the kyng graunt to
any man franchises to have a Court
if he wyll nat make tosse to have re-
lieftraunce / but holdeth the people in
pison that are taken for suspecte / the

12. 12.
12. 12.
12. 12.
12. 12.
12. 12.

Natura breuium.

Byge hath cause to lease the fraunchises in his hand though he let with his franchises / so that he may equere of suche felonys / he hath no power to deliuer the / but they ought be deliuered afore Justices of the Gaole deliuer.

Q. 22.

Li. ass.

Pl. 34.

If a mā hath a market to holde euery weke of the frydaye / & he holdeth the market bothe of the frydaye & of the monday / in this case nothig shalbe forfayted / but that / that he hath vsurped / but if a mā hath a fayre to holde .ii. days / & he holde the fayre .iii. days he shall forfayte all / for that that he hath mysused the franchises / & if a man hath a fayre to holde the frydaye / & he that holdeth on the monday the franchises is forfayt / & he shal make fyne for the mysuser.

¶ A writte de idempnitate nominis . . .

**A writte
de idemp
nitate
nominis
isliche.**

Rex Theobaldus baronibus suis salutem. Cum A per suum nosse distingat in eom. Ad solue. Cum di. macta ad opus nostru. per.

Natura breuium. 10. 230.

ut in Canone nostro per ipsum A. in-
petrat. ut dicitur. Et idem A. nullum ut
in Canone nostro pro fine nobis p. pro
testand impetravit: sed p. idem p. te
cuiusdam hominis idem nomen & co-
gnomen portantis eodem com. exis-
tent per ministros eiusdem ut ad ean-
dem pecuniam nobis prestandam ut
stringatur: ut afferat vobis mandam?
q. fiet super diligenti inquisitio si mu-
neris ita esse tunc ministros predi-
ctos ad distringendum predictum A.
occasione predicta de cetero faciendum
delicti fac. Et dicitur si q. ea occasione
feceritis sine dilatione deliberati fac.
R. Teste.

This wyte lyeth in case where
any wytte of Detrespasse/
Contract / Accompte / or any
suche lyke is sued agaynst a man / or
a nother man (that hath the same
name as he hath agaynst whome
the wytte is brought) be taken for
hym / than he that is so taken shall
haue this wytte / by vertue wherof
the sheryfe shall make enquerre afore
Iustices assigned in the same countie

Statuta breuium.

if he that is so taken or distrayned be
gyltic or nat / & if he be nat gyltic / he
shall go quyte. And if he be gyltye
as the wytte supposeth / he shall
answere the partye that sued the
spert wytte / and in the same maner
may this wytt be sende to the Justices
of the comon banke / or to the
treasurer and barons of the eschequer
and to archetouse: vt supra.

¶ A wytte de Recto sue disclapm.

A wytte
de recto
sue dys-
clapm is
suche

Rex viē salutem. Ad one ad pe-
titionem petentis corā Justitē
ntis apud Westm loquela / que
est in com tuo / p breue nostrum inter
A. et B. de aueris ipsius A. captis / &
imode detentis. vt dicit. Et sum. &c. p-
dictū B. q tūc sit ibi / prefato A. ad re-
spondendū et scriuē sibi debet facere.
Et habcas &c. teste. &c. Cū ista clau-
sula / quia talis dicit de feodo suo pro-
conf. et scriuē sibi debet. &c. &c.

This wytte lyeth where the
lorde in the kinges court. & in
the comon place anowe vpon
his ternaunte / and the ternaunte dis-
clapme to holde of hym / vpon this

Statuta breuissimi. Fo. 231.

disclaymour/the lord shall haue this
wrytte/ & if the lord may auer and
proue/that the lāde is holden of him
he shall recover the lāde for euer/ but
where the tenaunte disclaymeth in
court baron / or in the countie / the
lord shall be amerced/ & shall not haue
this wrytte/ for that/ that the disclay
mour is nat of recorde / and all this
proueth the statute of westm. ii. cap.
ii. whiche begynneth. Quia domini
feodorum. &c. And the proces in this
wrytte is Homous/ grande Cape/
et petite Cape.

Proces

¶ Addition.

Note ye i what wryttes disclay
mour lyeth: In a p q seruicia/ the te
naunt shall nat disclayme/ for the de
maundaunt may nat recover the lāde
if it be founde agaynst the tenaunt/
for that/ that he demandeth nothing
but attournement.

In a Cessant the tenaunt shall
nat disclayme/ but he shall saye that
he holdeth nat of hym.

Note ye that in auowre the hus
bande and the wyfe may nat bye

**Joan d
Rog 16
m 21 587
303**

E. 1.

3. 10.

E. 4.

期. 12.
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正.4.

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**Ilupille
de Saut
faç 18 lu
che.**

[illegible]

1.3

01.63

This micrograph shows a cross-section of a cell. A large, dark, oval nucleus is visible, containing a smaller, denser nucleolus. The surrounding cytoplasm is lighter and granular.

Natura breuium. **fo. 232.**

**L. li. de terris et cat suis in ballua
tua fieri et predicto A. reddi non de-
beant si sibi viderit expedire. Et ha-
beas ibi nomina coru p quos ei scire
fecer/et hoc breue: Teste. &c.**

This writte is Judiciall / and
lyeth where a man hath reco-
uered dette or damages by iu-
gement in the kynges court / & goeth
out of the recorde after the yere and
day of the fyrste iudgement / than for
that / that it may be supposed that he
hathe made release or other acquy-
saunce of that that he hath recou-
red / he shall haue this wyrt / by whi-
che writte the partic shalbe warned
that he be afore the Iustices at a cer-
tayne day to shewe why execucion
of the iudgement shall nat be made /
and if he come nat at the day / or yf
he come and can nothyng saye / but
that execucion shalbe made accor-
dyng as he hathe recouered / than
he that recouered shall haue a writte
of fieri faꝛ to the Sheriffe that he
make execucion of the iudgement to
the pleintiffe / & that is by the sta-

Natura.

33

Natura breuium.

statute of Westm. ii. cap. 45. whiche be-
gynneth. Quia de his que recordata
sunt. and that wyl that no proccs nor
delay be in the sayd wyttc/ of that
that is founde enrolled afore the iusti-
ces of the comon banke as of fines
leueied/contracts/obligacions/ and
recognisaunces that are recovered
afore them/and enrolled in the king's
court/the partie that is greued neede
nat to sue a writ at the comon lawe/
but he may go to the recorde/ and yf
the cognisaunce be within the yere
& the day/than he shall haue a writ
of excecucion to execute the same re-
cognisaunce that was made afore the
Justices of recorde/and yf the yere
and the daye passe after the cogni-
saunce made/thanne he shall haue a
Scire fac to the sheriffe that he cause
the partie come at a certayne daye/
or it appereth by the sayd statute.

*** Addicion.**

Ed. 3.

E. 3.

Note that in these cases a man
shal haue a Scire fac within the yere.
If a man recover bet agaynst a wo-
man that is unmarried / and within
the yere she take a husbande / in this

Natura breuium. fo. 233.

case. he that recouered shall nat haue
a fieri fa^r: for he may nat sue execu
cyon of the goodes of the husbande/
but he shall haue a Scire fa^r:

¶ If a man of religion recouer da
mages and dyeth within the yere/
his successour shall haue a Scire fa^r/
and nat a fieri fa^r thoughbe that it be
within the yere.

¶ Note that it was said that a mā
shall nat haue other executiō of rent
seruice recouered/ but to distreine h^e
A. Scire fa^r brought against. ii. of da
mages where the sheriffe retourned/
that the one was warned/ & that the
other hath nothing/ & the pleintieffe
prayed executiō at his pyll/ & it was
said that i so moch/ that the one was
nat warned/ he may nat haue exec^u a
fore the pces determyned agaynst
the other.

¶ A wryt de fieri fa^r.

Rex vic saltm. p^r tibi: q^d de t^ris
et cat B. in ballua tua fieri fa^r
L. ii. et habcas coram Justicⁱ n^ris a
pud westm / tali die ad reddend^u A.
quas ei in curia nostra coram Justicⁱ
nost^ris per confid^et eiusdem curie

Natura.

III. ii.

M. 44.
E. 3.

10. E. 3.
p. 1.
H. 5.

A wrytte
de fieri
fa^r/ is
suche.

Statuta breuibus.

notre aduocat fuerunt p. damnis
suis/que habuit occasione: q. p. p. p.
ctus 16. cum iudice impediunt pre-
sentare idemcam personam ad ecclesiam
de B. p. p. p. p. p. p. p. p. p. p. p. p.
notre que p. p. p. p. p. p. p. p. p. p. p. p.
ctus fuerit/ Ecce. &c.

This writte is Judiciall and
lyeth where a man hath recei-
ued det or damages in the
kynge's court/ than he that hath re-
ceiued shall haue this writte to the
Sheryff commandinge him that
he leuie the dette or the damages of
the goodes of hym agaynst whom
the recovery was had and lyeth all
tymes within the yere and the daye/
and is given by the statute of willelm
seconde. cap. 18. whiche begynneth:
Cum debitor. &c.

A Addition.

29.9.

E.4.

¶ If a fieri facit to leuie. x. li. be
directe to the Sheryff/ & he returne
q. fieri facit. x. li. quas habet deum. &c.
at whiche day he hath not the mo-
ney and a nether Sheryff is chosen/

Natura breuium. Fo. 234.

this case he that recovered shal haue
a **Scire fac** agaynst the auncient
sheriffe to shewe why he shall nat
haue execucion of the. x. li. & if he can
himselfe discharge/than he that re-
covered haue execucion agaynst the
olde sheriffe by **Fieri fac**/ or **Elegit**.

☛ If a man sue execucion vpon a
statute marchaunt / and the landes
of the reconysour are extented & put
in execucion/and the landes are ex-
tented to hys/the recognise may pray
that the landes be deliuered to exten-
dours / and he shall haue execucion
agaynst them by the statute of Ac-
ton Burnell: by a **Fieri fac**.

T. 40.
E. 30.

☛ If a man hath iugement in De
tenue/execucion shalbe awarded by
distres agaynst the defendaunt / and
a **Fieri fac** of the damages.

M. 6.
B. 2.

☛ A writ de **Elegit**.

R Ex viē salutem. Cum A. qui
fuit vxor B. in curia nra coram
Iusticiis nostris apud W. per cō-
fides eiusdem curie recuperasset ver-
sus C. de B. xl. li. quas idē C. in eadē
curia nostra tali die et Anno. &c. cognō
se debere prefato A. vñ ei reddidisse

A writte
de elegit
is suche

III. li.

Natura breuium?
 debuit. x. li. ad festū tale. &c. et. x. li. ad
 festū tale. &c. tunc p̄ox. seq̄ et illas ci
 nondū soluit vt dē. Et postea cadem
 A. veni in cui n̄ra/et elegit sibi libera
 ri oia bona et cat̄ p̄dicti C. p̄ter bo
 ues et affras de caruca sua: et s̄l̄r me
 dietatem terrarū suarū tētorū suorū
 p̄ rationabile p̄cium et extēnē tenendū
 vt libetū tēū suū iuxta formā sta. n̄ri
 inde p̄uis quousq; p̄dcās. xx. li. inde
 leuauerit: & ideo tibi p̄cipim⁹: q̄ oia
 bona & cat̄ p̄ci C. p̄ter boues & affras
 de caruca sua & s̄l̄r mediatē terre &
 tēū suorū in ball̄ tua eid̄ A. sine dilac̄
 Deliberať fať p̄ rōnabile p̄ciū & extēnē
 tenendū vt libetū tēū: sibi & assignū suis
 in forma p̄dcā quousq; .xx. li. de p̄cis
 xl. li. inde leuauerit: & qualif̄ hoc p̄ce
 ceptū n̄r̄ fuct̄ executū scit̄ fať iustit̄
 n̄ris ap̄d w. in oct. &c. Et habeas ibi
 &c. Teste. &c.

This writte lyeth where a mā
 hath recouered det̄ or dama
 ges in the kynges court/ & the
 some of the det̄ or damages may nat
 be leueyed of the goodes & catelles of
 hym agaynst whom the det̄ or dama

Natura breuium.

fo. 235.

ges were recovered/thā he that hath recovered shall haue this writ direct to the Sheryfe cōmaūdyng hym that he make deliuere of the halfe of all the landes or tencimentes / & all the goodes except oren & beestes of his plough. And note that the halfe of the sayde lande shalbe reasonably extented / & he shall holde the sayde lande / and these other goodes vnto the sayde some be leucyed of the said yssues and profites of the landes and goodes of the dettour / & this wyrt is retournable.

*** Addition.**

☛ Note ye / that an Abbot recovered damages / & prayed Elegit and it was graunted.

H. 20.

E. 3.

☛ Annute was recovered / and the pleyntyfe sued the fieri fañ / and the Sheryfe retourned that he hath nothing / & the pleyntyfe prayed Elegit and his prayer was denied / for that / that he hath chosen the fieri fañ.

T. 20.

E. 3.

☛ And note ye / if a mā without ple

P. 2.

E. 3.

III. iii.

Natura breuium.
knowlege in court hym to be holden
in a dette to paye at a certayne day/
the conise shall nat haue this Ele-
git/for that/that the cognisour was
nat brought into the court by pces
of the lawe / that is to say by writte
of det/and so the statute of westm. 2.
cap. 18. is to be vnderstande.

**¶ A writte de Habet fac
sesinam. ***

**A writte
de habet
fac sesinam is
liche.**

R Ex viē salutem. Scias q cum
A. in curā nostra coram Justicē
ec. petierit versus R. vnū me
suagium cum ptiū in p. postea ven
in eadem curā nostra et vocauit ad
warē R. qui quidem R. predictū me
suagium cum ptiū in curā nostra. ec.
per defaultam amisit scdm qd conside
rat fuit in eadem curia nostra/q pre
dictus A. recuperaret inde sesinam
versus predictum R. et predict⁹ R.
habere de terris pdicti R. ad valenē
tesn. ec. Et ideo tibi precipimus quod
eidem A. sine dilac plenam sesinam
habere fac. Et predicto R. de terris
predicti R. ad valenē eorundem tesn

Natura bzentum. No. 236.
cum ptiñ in loco competenti habere
et assignat scilicet fac. Teste. &c.

This wytte is Judiciall and
a wytte of execucion / & lyeth
where landes or tenementes
are recovered in the kynges courte /
he that hath recovered shall have
this wytte commaundynge him to
deliver seylon / the wytte is nat re-
tournable.

A writ de capias satisfact.

Rex vitz salutem. pte tibi / q nō
omittas propter aliquā liber-
tatem. &c. quia capias A. si in-
ventus fuerit in balliva tua et cum
salvo. &c. Ita q habeas corpus eius
coram Justic. &c. tali die ad satisfaci-
endū B. tam de. xl. s. quos B. in cur
nostra recuperavit versus eum q de
vi. s. que ei adiudicat fuit p damp-
nis suis / que sustinuit occasione de-
tentionis debiti predicti. Et habeas
ibi hoc bfe. Teste. &c.

**A writte
de capias
ad sa-
tisfact is
suche.**

A writte lyeth where a man
recovereth det or damages in
the kynges court / and he agaynst
J. b.

Natura breuium
 Whome the det is recovered hath no
 landes nor tenementes nor sufficient
 goodes whereof the det maye be le-
 uied/thā he that recovered shal have
 this wyrt to the sheryfe cōmaūdyng
 hym that he take the body of hym a-
 gaynst whome the det is recovered/
 & he shall put in pryson vnto satisfac-
 tion be made to hym that recovered
 Note that these.iiii. wyttes nexte
 afoze/are wyttes of execucion.

A writte de capias vtlagatū.

A writte
 de Ca-
 pias ad
 satisfac-
 is suche

R Ex viē salutem. p̄t tibi q̄ non
 omittas ppter aliquā libertas-
 tē in ball tua qn capias H. vt
 lagatū in com̄ S. tali die & anno ad
 sect B. de p̄lito tūsgē put. &c. si inuē-
 t⁹ fuerit & saluo. &c. Ita q̄ hēas corp⁹
 ei⁹. &c. talē die inde factū & receptū
 q̄ cū nra p̄siderant i hac pte. T. &c.

A writte
 de Cap
 vt lagat
 iqras de
 bonis et
 cat. is
 suche :

**A wyrt de Cap vtlagat inquireas
 de bonis et cat.**

R Ex viē salutē. p̄t tibi q̄ nō. &c.
 quin p̄scm̄ proborum & legal
 hoim in codē com̄ tuo/diligen

Natura breuium. No. 237.

ter inquiras / q̄ bona & catalla / tert / &
ten A. de B. habuit in balliua tua die
& anno. .x. .vi. .vi. postea: quo die idē
A. utlagat fuit ad sect. R. D. pro com
poto suo idem R. D. reddō tēpore quo
fuit receptor: tenat ipsi R. prout viē
noster Ebor. Justic. nris apud westm
in octauis sancte Trinitatis tunc
prox. seq. mand. & illa p. eorum scēm
extendi & appreciari fac. iuxta verum
valorē corūde. Et ea que p. inquis
illā inueneris / i. manū nrām capias
& saluo custodiē fac. / & extēd. / & appcia
tionē illā / quam inde feceris / scire fac.
Justic. nris apud westm. tali die di
stinct. & apte sub sigillo tuo / & sigill.
eorū per quorū scēm extēd. & appre
ciationem illam feceris / ac pro eo: q̄
idem A. utlagat liceat / & discurret in
balliua tua in nri & corone nre p. iudi
ciū vt accipimus q̄ p. dcm A. vbiq̄
in balliua tua tā infra libertates q̄
extra inuenit cōtigerit capias / & cū
saluo custodiri fac. ita q̄ eū hās corā
Justic. nris apd. W. ad pfatum termi
num ad faciend. & recipiend.: qd. Cu
ria nra de eo cons. in hac parte: & ha
beas ibi hoc breue. Teste. .x.

Natura breuium.

This writ lyeth where a man hath sued a writte of exigēt / & he agaynst whome the exigent is awarded cometh nat at the day of the exigent retourned / than the pleintieff shall haue the sayde writ dyrected to the Sheryffe (of the countye where the exigent was awarded) to take the body of him that is outlawed . And some say that a man may haue as many writtes as he wyll / for that / that it is for the kynges aduantage .

A writte de quid Iuris clamat. *

A writte
de qd iur-
is clam
is suche

Rex vñ salutem. pñ tibi quod distingas A. per omnia terē et cat. &c. Et quod de cri. &c. Et quod habeas corpus eius coram Iustic nostris apud westm tali die &c. ad cognoscendū quid iuris clamat in vno mē s cū pñ in B. qd A. de T. in cū nra cōcessit H. p finem int eos fact et ad audiend. &c. Teste. &c.

This writ lyeth where I graūt the reuercyon of my tenaunte for terme of lyfe by fyne leuied in the

Natura breuium. Fo. 228.

kynges court/and the tenaunt wyll
nat attourne/he to whom the reuer-
cyon is graunted shall haue this writ
to charge him to attourne. And note
if the tenaunt for terme of life clayme
fee simple in the tencementes / and it
is founde that he hath no fee simple/
he shall recouer seyson of the lande
T. r. E. 3. And he that hath fee taylor
shall attourne as well as he that
hath but freholde p Mettingham/
but I suppose the lawe be contrary.
And the procces is/ somons/ & distress
infinite.

Proces

*** Addicyon.**

Note ye yf lande be lested for
terme of lyfe/and the lessour graunt
that the lesse shall nat be troubled /
for waste/and after the reuercyon is
graunted to a man and his wyfe by
fyne/who bryngeth a quid iuris cla-
mat/in this case yf the lesse say that
he is redy to retourne sauyng to him
the bauntage of the dede / it is con-
uenyent that the husbande and the
wyfe knowlege the dede otherwyse
the lesse shall nat be compelled to
attourne.

T. 45.

E. 3.

E. 33. Ed

war. 3.

Natura breuium

H.44.
E.3.

In a quid iuris clamat: brought by an Infaut / & suche mater as afore is pleaded / the Infautc maye nat knowlege the dede.

H.45.
E.3.

In a Quid iuris clamat the te. naūt sued that the consour held the same lādē of the kyngē in chpēf & demaūdc iugemēt without shewyngē the kynges licence / & thā the demaūdaūt shewed the kynges licēce or othērwyse the tenaūce shulde be charged with a fyne for that alienacion / & thā the tenaūt attourned.

M.21.
E.3.

If the kyng graūt to me the seruiē of his tenaūt I may auow without attournemēt / for I may nat haue a p que seruicia / nor quid iuris clam By Shardum.

A writte de per que seruicia.

A writte de per que seruicia / is suche.

Rex viē salutē. pē tibi q distē A. p oēs terras. &c. Et quod de exitis. &c. quod habcas. &c. tali die ad cognoscendum p que seruicia tenet unum messuagium cum per tifi in B. q J. de T. in cui nostra cōcessit R. per finem int cos factū: Et

Natura breuium.
ad audiendum. &c.

fo. 239.

This wytte lyeth wheare I
graunt the seruices of my tenat
for terme of lyfe/tenant i taylor
tenant i fce siple to a straunger/by fi-
ne leueid i the kiges court/& this te-
nant will nat attourne to the same
graunt/ thā the graunt shall haue this
writ against the tenant /& cōpell hym
to attourne. And the pces is/ somōs **Proces**
& distres vnto the partye come.

*** Addition.**

Note ye / if the ternaunt holde of M. 9.
ii. in comen / if the one graunt the ser. **E. 2.**
uices by fyue the ternaunt shall nat
attourne.

The seruices of a ternaunt was
graunted to the husbāde /& the wyfe
& to the heyres of the husbāde /& they
brought a p que seruicia the ternaunt
sayd that he hath acquitall of the co-
misour /& sayng to hym his acquital
he is redy to attourne /& the husbāde
knowelegeed the acquytall for hym
and his heyres / and soo note ye /

H. 5.
E. 3.

Natura briedum.

that the heyre of the husbāde ought
acquyte the tenaunt after the dethe
of the husbāde in the lyfe of the
wyfe / for the wyfe may nat bynde
her to the acquytall durynge the ma
ryage .

**A wytte de quem red
dit reddit .**

**A wytte
de quem
redditus
reddit is
suche.**

R Ex viē salutem . p̄ccē tibi qđ
dist B. per omnes terras . &c.
Et quod de exit . &c. Et habeas
corpus ei⁹ . &c. tali dic . &c. ad cognos
cendū quā reddit reddit exeunt de vno
mēs cum p̄tū in p̄. quod J. de J. in
cūt nostra . &c. cōcessit K. S. p̄ finem
inde inter eos factam / et ad audiendū
&c. Et habeas . &c. T. &c.

This wytt lyeth where a man
graunteth to another by fyne
leucyed in the kynges court a
rent Sck / or a rent charge goynge
out of another mans lande / and the
tenaunte of the lande wyll nat at
tourne to the graūt / than the graūt
shall haue this wytte agaynst the
tenaunt of the lande to cause hym
attourne . And the proccs is as in
the wytte nexte afoze . And note ye /

Proccs

Natura breuium. Fo. 240.
¶ lyeth of fyne leueyed in the kynges
courte.

¶ Addicion.

¶ In a **Quē redditū** reddit: the de-
fendaunt demaunded herynge of the
dede of the grāt / & the pleityfe shewed
the fyne surconsaunce de droit / & he
was awarded to shewe also the dede
for he oughte to shewe tytle in this
writte howe the rent dyd begyn.

p. 36.
h. 6.

¶ And note ye / that in these. iii.
writtes next afore it is no plec to say
that they were nat ternautes the day
of the writ purchascd / but ought an-
swere if they were ternaūt the day of
the note leueyed / for these wryttes
oughte to be brought agaynst hym
that was ternaunt the day of the fine
leueyed.

h. 8.
h. 6.

¶ A writte de **Venire facias.**

Rex vobis salutē. p̄t tibi q̄ veni
fac coram Justiciis n̄ris. &c. tali
dic. xii. tā milites q̄ alios libe
ros et legales hoies de visū de p̄. quo
cum quilibet hēat .xl. s. terre & tēnt
vel reddit p̄ annū ad min⁹ p̄ quos rei

A writte
de Veni
refacias
isliche.

Natura.

h. h. l.


Natura breuium.

veritas melius scire possit. Et q̄ nec
A nec B. aliqua affinitatē attingunt
ad recognitiōē sup̄ factū suū : si w. cōsan-
guine⁹ p̄dict⁹ A. cui⁹ heres ip̄e est fuit
Nī in manerio de K. cū p̄tū indūico
suo de feodo die quo abut. Et qđ idē
A. in cur̄ n̄ra. &c. corā. &c. clamat vt
ius suū ver⁹ cū sicut idē A. dīc̄ vt nō
sicut p̄dict⁹ B. dīc̄. Qz tā p̄dict⁹ B. q̄
p̄dict⁹ A. it̄ quos idē cōtētiō est posuēt
se in iuratā illā. Et hēas ibi noīa iu-
rat & hoc b̄c. A. &c.


This writ is Judicial & goeth
out of the recorde / & lieth whe-
re .ii. partyes pleadeth & co-
meth to yssue. s̄. vpon the saynge of
the countre / than the partye pleyn-
tyfe or the defendaunt shall haue this
writte directed to the Sheryfe that he
cause to come. xii. lawfull men of the
same countre to say the trouth vpon
the sayde yssue take. And if the quest
come nat at the day of this writte re-
toured / than shal go an habeas cor-
pora / & after that a distres vnto they
come / & whan they come at the day
& the defendaunt challenge many of


Natura breuium. Fo. 241.
them bycause that they are nat suffi-
cient to passe vpo the sayd pssue/ tha
the pleyntyfe shall haue a writ that
is called Octo tales/ or Decem tales
or as many as is nedefull.

*** Addition.**

 Note ye/that in these cases folo-
wynge the enquest shalbe taken by
default. In auowre for rent seruice
the pleyntyfe pleaded out of his fec.
ec. & vpon that they were at pssue/ &
after the auowant made default / &
the enquest was taken by his default
for that /that it was the seconde day
after the enqueste ioyued / but if it
were the fyrst day/ than he shalbe dis-
creyned to here the Iure.

**Id. 20.
E. 3.**

 Note ye/that these cases
folowynge the Iure
shalbe taken in
by default .
.

 In a writte of Annuite the defe-
bant sayd that at the day of the ma-
kyng of the dede he was within age
Natura. **Id. 11.**

**Id. 7.
E. 3.**

Natura breuium.

& vpon that they were at yssue / & at the day of the enquest / the defēdaūte made default / & the enquest taken by his defaute.

H. 18.
E. 3.

☞ Note ye / that in these cases folowynge though that the defendaunte make default after the enquest ioyned / yet it shall nat be take by default / but a distres shall go to here the Iure.

A. 12.
E. 3.
Li. ass.

☞ In waste the defēdaūt pleadeth to the enquest / at whiche day the defendaunt maketh default / a dystresse shall be awarded to here the Iure.

☞ Note ye / by what challenge the array shall be qualshed / and by what nat.

☞ In assise the ray shall be challenged / for that / that the pleyntyfe was nere to the Bisshop of D. & he that arrayed the pancell is ternaunte to the Bisshop / & by the Bisshoppes coucell the ray was made / & this was holde to be no challenge / for that / that the Bisshop was nat partye to the plee / excepte that he had sayde that they were procured to say otherwyle than trouthe.

A. 29.
E. 3.
Li. ass.

☞ The ray was qualshed in assise /

Natura breuium. Jo. 242.

for that / that it was made by the bay
lyfe that hath maryed the cosyn of
the pleyn tyfe / and that they haue
ysue.

☞ In assise the ray was qualshed / **P. 4.**
for that / that the theryfe hath bap- **E. 4.**
tyzed the sone & heyre of the pleyn-
tyfe / and that was confessed by the
theryfe.

☞ It is a good challenge to the ray **A. 12.**
to say that the theryfe is cosyn to the **H. 6.**
wyfe of the pleyn tyfe .

☞ In assise the ray shal nat be qual **An. 26.**
shed / for that / that the theryfe hath **E. 3.**
maryed the syster of the pleyn tyfe (ex **Li. all.**
cept he say) & so the ray made in a fa-
uourable maner .

☞ Note the causes of challenge
for consanguinite.

☞ A Jurour was challenged / for **M. 8.**
that / that he was cosyn to the wyfe **H. 6.**
of the defendaunt wherefore he was
drawen of the panell.

☞ If an Abbot bryngc an acciō / it **E. 28.**
is a good challenge to say that the Ju- **H. 6.**
rour is vncle or brother to a monk of
the same place.

Natura breuium

**Note the causes of challenge
for affinite. .**

A. 19.

B. 6.

**A Jurour was challenged / for
that / that he hath baptized the sone
of the pleyntyfe / & that was holden
a principall challenge .**

M. 3.

E. 4.

**A Jurour was challenged / for
that / that the sone of the Jurour
hath married the doughter of the pley
tyfe / & that is no principal challenge /
except that it be betwixte the ptyes
selfes / that the Jurour married the
et. wherefore these triours enquired
of the fauour:**

An. 43.

E. 3.

Li. all.

**In attaint one of the. xxiii. was
challenged / for that / that he hath mar
ried the syster of one of the petit Ju
rours wyues / & it was nat allowed.**

**Note the causes of challenge
for insufficiency . .**

A. 4.

B. 6.

**In a Repleyn the defendaunt
challenged a Jurour / for that / that
he was nat sufficiēt of freholde. s. to
say to the value of. xl. s. & by the opi
nio of the court that was a good chal
lege / for that / that the anowre was
for services / but if the anowre / had**

Natura brenium. fo. 243.
ben made for damage fesaunt other
wyse had ben.

☛ In dette of. x. li. & damages to p. 9.
x. li. a Jurour was challenged / for H. 5.
that / that he may nat dispende. xl. s.
& for that cause he was trete by the
statute .

☛ Note the causes of the challenge
for the hundred .

☛ If a Jurour be challenged / for p. 4.
that / that he hath nothyng within H. 6.
the hundred by the pleityfe & also by
the defendaunt / he shalbe drawe out.

☛ If a Juror be chalēged for that H. 9.
that he hath nothyng within the hu H. 6.
dred / the triours shall nat enquire if
he be dwelling within the hundred /
if he haue any thyng within the hun
dred / & nat of the value .

☛ In a writte of Annuite agaynst p. 20.
a pson of a churche by prescription H. 6.
& alledged seyson in the same countye
where the churche is in another hu
dred / the thyrde Jurour was challē
ged / for that / that he hath nothyng
within the hundred where the church
is / and nat allowable / for if he haue

Natura breuium.

in the hundredth or the other he shal
be sworne.

H. 21.
H. 6.

☞ Note ye / if one be sworne that
hath sufficiēt in the hundredth & after
he sell that / & after he is challenged
for insufficiencye within the hundred
this challenge is nat allowable / for
that / that whan he was admitte &
sworne at one tyme he shalbe enten-
red that he hath knowlege of the
matter now / & his knowlege by his
alienacion may nat be deuicted out
of his person.

A. 7.
H. 4.
M. 19.
H. 6.

☞ And note ye / that after that .iiii.
are sworne of the hundred / a man shal
haue no challēge to say that he hath
nothyng within the hundred.

M. 12.
E. 3.

☞ And note ye / that after that a
man hath challenged the ray / & that
foude agaynst hym he may challēge
the polles.

B. 7.
E. 4.

☞ Note ye / that whā the Jurours
are sworne / the pties pray that they
may haue keepers / that was denyed
settyng the courte / but after they
shall haue.

A. 7.
H. 4.

☞ In Attaynte after that foure of
the hundredth were sworne another

Natur a breuium. **fo. 244.**
was challenged for the hundred / &
nat allowed / yet it was alledged that
in the petit Juror that fyfte passed /
ought to be. iiii. of the hundred at the
least / & by the same reaso. viii. ought
to be of the hundred where. xxiii. are
sworne / if he that challenged the ray
wyl challenge the polles he shall
shewe cause of his challenge euery
tyme certayne afore that the clerke
paruse the panell.

A Jurour was challenged for fa
uour / & he was found by tryours that
he was indifferente / & afore that he
was sworne he was challenged : for
that / that he hath nothyng within
the hundred / & nat allowed.

A writte de Risi prius .

R Ex vi^o salutē p^{re}ce^o tibi : q^o be
niē fa^o ap^o westm tali die : vel
co^oā Justic^o n^oris ad p^{ri}mas
affias in com^o tuo capiend^o assign^o p^or
formā statuti ide^o p^{ri}us. Risi die lune
sc^o. ap^o B. p^{ri}us venit. xxiii. tā mil^o.
sc^o. q^o. sc^o. vt in p^{ri}ori breui. sc^o. Et qui
nec A. nec B. sc^o. ad recog^o. sc^o. Si p^o.

**A writte
de Risi
prius is
suche.**

Natura breuium.

dictus B. tali die: & anno vi & armis
scz glad. &c. bonas cat sua. iiii. saccas
lane ad valenē. xx. marc apd B. in
com tuo cepit & abduxit / vt viē quia
tam. &c. Et habeas. &c. T. &c.

This writte is Judiciall / and
lyeth in case whā the enquest
is panel & retourned afore the
Justices of the banke / than the one
partye / or the other maye haue this
writte for easement of the cōtre di-
rected to the sheryfe / cōmaundyng
hym that he cause the men that are
impanelled to come afore the Justis-
ces in the same countye / & theyr to
be determined afore them selfe / if the
matter be nat soo difficulte that it
may nat be tryed afore them / for thā
it shall be sende in to the banke as a-
fore. And note ye : by the statute of
E. the. 3. An. 14. Capi. 15. that this
writte shalbe graunted aswell at the
suyt of the ternaunt / as at the suyt of
the demaundaunt in a writ of Tres-
passe if the damages passe. xl. s. And
note ye / that the Justices of the co-
mon bāke hath power to enquire by

Natura breuium. Jo. 245.

the **Prisi prius** of pleas moued in the
kynges court. And if the **Iustices** of
the comon banke may nat come thā
in the same maner haue the **Iustices**
of the kynges benche power to take
the **Prisi prius** of pleas moued in the
comon banke.

¶ Addicyon.

☞ In Detenue the pleyntyfe & the **H. 19.**
garnishe were at yssue / & the pleynt- **H. 6.**
tyfe prayed a **Prisi prius** & had / & the
garnishe had another with a puiso.

☞ Note where a man is in execu- **P. 15.**
cion vpo a statute marchaūt & suchy **E. 3.**
Audit a querela / & are at yssue / a **T. 21.**
Prisi prius shal nat be graunted: for that / **E. 3.**
that the pleyntyfe may nat be deliue-
red out of pryson.

☞ In all cases where the kyng is **H. 25.**
ptie the **Prisi prius** shal nat be grated. **E. 3.**

¶ A writte de Quale ius.

R Ex viē saltm. Scias qd Abbas de Qua-
de R. i cū nra recuperant illā le ius is
suā vsus B. de uno mess. cum luche.

A writte

de Qua

le ius is

luche.

Natura breuium.

ptiñ in C. vt ius ecclesie sue scetē marie
de R. p. defalt ipsius B. p. breue nēm
quare cessauit. Et qz dubitat de frau
de inter eos plocuta cōtra statut no-
strū in quo cōtinetur de terrz seu ē ad
manū mortuā deueni quoquo modo/
tibi pē qz veniē fac coram nobis tali
die. x. xii. x. de visñ predicto quozū
qlibet. x. per quos. x. Et q nec. x.
ad recognū sup sacm suum quale ius
idē abbas habet in pdicto mess. & qz
pdecessor suoz fuit inde situs de do-
minico seruic de pdicto mess exunt vt
de iure ecclesie sue pdicte/ & quātū pre-
dictū mess valet p annū scōm verum
balorē eiusdē. Et interim mess illud
in manū nēam capias. Ita qz neuter
eorz ad illud manū apponant donec
aliud a nobis inde habueris pceptū.
Et qz de crit eiusdē mess ad sacm no-
strū respōdeas. Et scire fac caplido
scodi illinc mediaf et immediaf qd
tunc sit ibi auditaf Juraf illā si vo-
luerit. Et habeas ibi nomina eoz. x.
Teste. x.

A His writte is Judicial & lieth
i case where an Abbot oz pōur

Natura bꝛeuium. f. 246.

oz any other mā of religiō bꝛyngeth
a pꝛcc qđ redd of lande & the tenaūt
maketh defaute after defaute where
by the lande is to be losse / than the
same Abbot oz pꝛiour that hath re-
couered shall nat haue execucion of
the sayde lande recouered / afoꝛe that
he sue this writ for the kyng to the
Eschetour of the same cōtꝛe to en-
quere what right he that hath reco-
uered hath / & if he hath right by his
wꝛyt / thā the iugement shalbe gꝛuē
for hym / & shal haue execucion of the
lande recouered. And if it be founde
that he hath no right by his writte /
but that the landes were lost by col-
lusion betwixte hym & the tenaunte /
than it shalbe ordered as is gꝛuē by
the statute of westm. 2. Ca. 32. which
begynneth. *Cum viri religiosi. &c.*
that the nexte lord shal haue the
lande as his Escheyt / if he demaūde
it within the yere after the inquisi-
cion taken. And if he demaūde it nat
within the yere / than the next lord
after hym shal haue the sayd lande /
if he demaunde it within the halfe
yere. And if no lord demaunde nor

Natura brcium
clayme as afore is sayd/thā the king
that is chycf lorde aboue all other
shal haue the sayd lāde so recouered.

*** Addition.**

R.19.
E.3.

In a Quare impedit broughte
by one **K.** agaynst an Abbot / & they
were at ylluc / & now the equest come
& **K.** was nōsupt / & the court awar-
ded a writ to the Bishhop for the Ab-
bot without enquere of the collusio.

A writte de Cape magnū .

A writte
de Cape
magnū
isluche.

R Ex vī salutē. Cape in manū
nām p visum legal hoim de
com tuo vnū mēs cū ptiū i **R.**
q **B.** tenuit .x. die Aprilis anno .**sc.**
ad quorūcūq man⁹ deuenit in ball⁹
tua q **A.** que fuit vxor **A.** in eut nā
corā .**sc.** clamat vt dotē vsus pcedem
B. p defectu ipsius **B.** & ideo .**sc.** Et
sum .**sc.** pdictū **B.** qd sit .**sc.** tali die
respon⁹ & osten⁹ quare non fuit corā
sc. tali die q pdict⁹ **B.** nō habet ali-
quas terras seu ten in ballua tua q
capi possunt in manum nām vī tes

Natura breuium . Fo. 247.

**Stat est in eadē curia qđ p̄dēcūs B.
tali die et anno. &c. tenuit p̄dēcū meū
cū p̄ctiū vnde p̄dēcū meū capi pōt in
manū n̄rām. Et habeas ibi noīa eorū
p̄ quorū visū hoc feceris sum. Et hoc
breue. Teste. &c.**

This writte is Judicial & lieth
wherc a man hath brought a
p̄cē qđ redd of a thyng that
toucheth p̄cē of lande / & the tenaūte
make default at the day to hym gyue
in the wrytte original / than this
writte shall go for the kyngc to take
the lande in to the kynges hande / &
if he come nat at the daye gyuen by
the graunde Cape / he hath lost hys
lande. But note ye / that at the fyrste
daye he may be esloyned. And if at
the day of the graunde Cape retour
nable / he cometh he may excuse hys
default / as to say that he was nat so
moued after the lawe of the lande / &
that he is redy to make his lawe / or
to saye that he was in pryson / or di
stourbed by water / and in this two
laste cascs yssue maye be taken vpon
auermente of the countrey / &

Natura breuium.

for that / that iugement & knowlege
of the impyssonement or distourbañ
ce by the water is to be tryed by the
countrie. But the fyrste case shalbe
tryed as afoze is layde .

*** Addicyon.**

**H.40.
E.3.**

In a p. recipe q. redd brought a
gaynst one H. filio W. in latyn at the
graunde Cape / the ternaūt sayd / that
wherc is brought agaynst H. sonc
of W. our father hath a name Edmō
de iugement of the writte & it was
sayd that the ternaūt hath made de-
faut in whose mouth no plee lyeth
afoze that he hath sauid his defeaute
but it was awarded that vpon a
graund Cape the ternaūt shall plede
that he is misnamed in abatements
of the writte afoze the default sauyd /
and that is for the myschyeffe of the
warrante.

**A writte
de Cape
paruum
isliche.**

A writte de Cape paruum.

Rex b.ē salutē. Cape in manum
n.ēam vñū mēē. &c. q. H. in cū

Natura brenium. Fo. 248.
 nra. &c. clamat vt ius suū vltus A. p
 defectu ipsi⁹ A. Et sum pbonos sum
 pdcū A. q̄ sit. &c. tali die. &c. ad au-
 diendum inde iudic. Et habeas. &c.
 Teste. &c.

This wyrt lyeth in case where
 the ternaunt is somoned in ple
 of lāde & cometh at the somōs
 & his apparaunce is of recorde / & after
 he maketh defaute at the daye that
 is gyuen to hym than shall go thys
 writte for the kyng. And note ye
 that a petit Cape lyeth after appa-
 raunce / & a graunde Cape afore ap-
 paraunce.

*** Addicion.**

Note ye / that in a graund Cape
 the ternaunt is somoned to answere to
 the defaut & ouer to the domaūdaunt
 But in a petit Cape the ternaunt shal-
 be somoned to answere to the defaut
 onely / & it is called a petit Cape: for
 that / that there is lesse in this writte
 than in the graunde Cape.

In a p̄re q̄ redd brought by

Natura.

LL. 1.

38. B. 6.

E. 39.

E. 3.

Natura breuium.

a woman at the petit Cape returned/the tenaunt sayde that after the last continuance the demaundaunt hath taken a husbände/iugement of the writte/ & it was adiudged that / that was no plee afoze that he hath saued his defeute.

M. 40.
E. 3.

In a formedone the tenaunt appeared vpon the petit Cape / & wolde haue pleaded that the demaundaunt hath entered after the last cōtinuance without sauinge his defeute / but he might nat / & after he pleaded a release of all the right .

A writte de Cape ad valentiam.

**A writte
de Cape
ad valē-
tiam is
suche .**

Rex vñ salutē. Cape in manū nram p visum legal hoim de com tuo de terris A. pro defectu ipsi⁹ A. ad valentiā vni⁹ mēis cū ptiū in J. q E. in cū nra corā iustic nris clamat vt ius suū vsus B. vñ idē B. in eadē cū nra corā iustic nris vocauit p dcm A. ad warātizand vñ cū & die caption⁹ scire fac iustic nris apd w. p lras tuas sigillatas. Et som. &c. p dictū A. quod corā. &c. tali

Natura breuium. fo. 249.
die respons & ostens quare non obser
uit die sibi datū p cstonū suū coram
iustic nris tali die. Et habcas ibi no
mina eoz p quoz visum hoc feceris
sum. &c. Teste. &c.

This writte lyeth where I am
impleaded of certayne landes
& I bouche to warrāt auother
agaist whome the somōs ad waran
tizand hath ben awarded / & the she
ryfe hath retourned that he was so
moned and cometh nat at the daye
gyuen / than if the demaūdaunt re
couer agaynst me I shall haue this
writte agaynst the bouche / and I
shall recouer so moche in valure of
the lande of the bouche if he hath so
moche / and if that he hathe nat so
moche / than I shall haue excecuciō
of suche landes and tenemētes that
discendeth to hym in fee symple / or
if he purchase after / I shall haue a
gaynst hym a rescmons. And if he
can nothyng saye I shall recouere
to the valure. And note ye: that this
writ lieth afore apparaūce. And i the
same maner lyeth the petite Cape
Natura, **LL.ii.**

Natura breuium .
ad valentiam after appaunce .

A writte de Sum ad waran-
tizandum .

A writte
de Sum
ad war-
rantizad/
isliche.

R Ex viē salutē. Sum p bonos
sum A. quod sit .x. i. all die ad
warē w. vñū mēē cum ptiū in
R. q B corā iusticiē nris apud w. cla-
mat vt ius suū vers^o eū. Et vnde J.
de w. in eadē curia nra vocauit p^{re}s-
dictū A. ad warē vsus eū. x. Et ha-
beas ibi sum. Et hoc bfe. T. x.

This writ lyeth where I vou-
che to warrantye another mā
than I shall haue this writte
agaynst hym to the sheryfe cōmaun-
dyng hym that he somoned the vou-
che to be afore the Justices at a cer-
tayne daye at whiche day if he come
nat/thā shall go the graunde Cape.
And if he come/ & after make default
thā shall go the petit Cape/as afore
is sayde.

A writte
de Seq-
tur sub
lao picu-
lo is su-
che.

A writte de Sequatur sub
suo periculo.

R Ex viē salutē. Sum per bonos
sum R. q sit corā Justiciē nris.

Natura breuium. No. 250.
Et tali die ad wart A. vnu mes cum
ptu in R. q. R. cora iustie nris apd
w. clamat vt ius suu verius cum. Et.
Teste. Et.

This writte lyeth where a So
mons ad warrantizand is a-
warded. And the sheryfe rectoz
ne that he hath nothyng wherby he
may be somoned/tha shall go Sicut
alias et pluries. And if he come nat
at the pluries than shal go this writ
de Sequatur sub suo periculo.

A writ de Champia.

Rex viz saltm. Prece tibi qd diste A writte
A. p oes tras. Et. Et q habeas de Cha-
corp⁹ ei⁹ cora iustie. Et. ad res pectia is
pono quare cu inter certos articulos suche.
quos dñs E. nup rex Anglie anni no
stri ad emenda stat⁹ ppli sui concessit
ordinat sit q nullus minister nre nec
aliquis alius p pte rei q est in placi-
to habenda negotia que sunt in placito
sicut assumat manutenēd nec aliq^s
ius suu sub hui⁹ conditiōe alteri tra-
mittat/ac pdeus R. placitu loqucle
q est i curia nra. Et. int A. R. E. vroz

Natura breuium
eius petentes: & A. & B. tenentes de
xx. ac tre cu ptu in S. p pte huius
tre habend A. assuplit manutenend
contra forma ordinatiōis p̄dicte vt bl
terius facturi & accepturi q curia nra
considerauit in hac parte.

Originale inde est tici. Rex Justic
suis de banco salutē. Cū int̄ cete-
ros articulos quos dñs E. quondam
rex Anglie pgenitor n̄r ad emendum
stat⁹ ppli sui. &c. q null⁹ minister ei⁹
nec aliq⁹ alius p parte rei que sui po-
pulo habend. &c. vt pri⁹ ac placiti lo-
quele est corā vobis p b̄c n̄m inter
A. petentē & B. tenentē de buo meṣ
cū ptu in R. p̄p̄t huius meṣ habend
tam assumpsit manutenēd cōtra for-
mā ordinatiōis p̄dicte vt accipimus
nos volentes ordinationē illā obser-
uari vobis mādam⁹ q inspc c̄t teneē
ordinatiōis p̄dicte blterius inde fa-
cere q de iure et sc̄dm formam ordi-
nationis p̄dicte fuerit faciendum.
&c. Teste. &c.

This writ lieth where two p-
ties are impleadyng/and the
one of the parties / gyue to a

Natura breuium. Fo. 251.

Strauger the halfe/oz parte of the lāde/oz any other thyng that is i plee for defēdyng hi agaynst the other pte thā the pte greued shal haue thys writte agaynst a straunger.

*** Addition.**

Note ye: that it is no diuersite M.8. whether the pte sell the lande hang- E.3. gyng the writte/ & where he gyueth the lāde: for that/ that it is phibit by the law. But a mā may make a scot femēt to his vsc hāgynge the wryt.

The father & sone are/ & the fa- T.6. ther is impleaded / & hangynge the E.3. suyt he infeoffeth his sone/ this is no Champtye: for by euery law it is entēdyd that the sone ought ayde his father. Voke the statute. De articulis sup cartas Ca. 12.

Note ye: that it is sayd/ that if a M.29. man sell his lande to me & after the E.2. lande is demaunded agaynst hym by writte / & he hangynge the writte make lyuere and scyson to me of the same lāde/ that is no Champtye for that / that the bargayne was nat made for suche cause.

Natura breuium.

M. 42.
E. 3.

In Det it is awarded. &c. that if
I brynge a writte of formedone as
gaynst one B. in the name of one B
if I recouere with my owne cost; &
than B. me in scoffet hat is champertie
&c. But if I refuse to take the scoffe-
ment for double of Champertie / & cō-
maunde B. to make a scoffement to
another that is no Champertie. &c.
quere .v.

¶ Finis.

¶ Here endeth Natura breuium
& here after foloweth the Table.

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Finis Tabule . . .

Here endeth the Natures
of writtes i English. Imprynted
at Lodon in the Fleetstreete
by me Robert Redman /
dwellynge in saynt Dun
stons paryshe at the
signe of the George
In the yere of
our Lorde
God

1532.

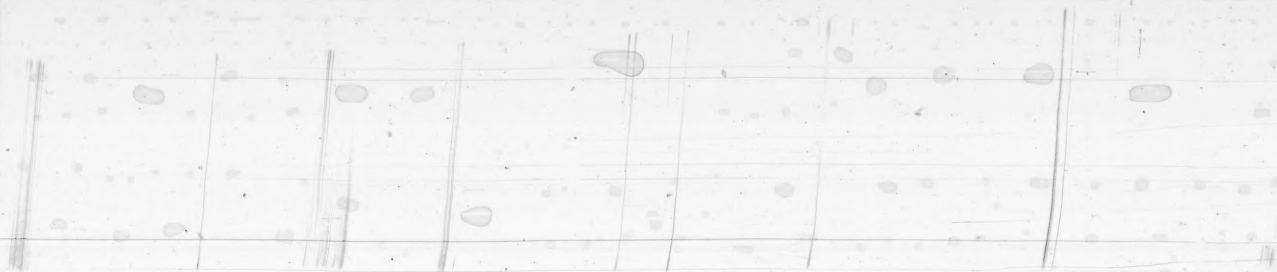
CVMP PRIVILEGIO
A REGE INDVLTO.





Handwritten signature or scribble, possibly reading 'J. B. 1627'.

4-



4. Pagny irregular

water complete

8/10/77